



CHAPTER lxxxii.

An Act to vary and amend the provisions of the South Staffordshire Mines Drainage Act, 1873. [17th June 1878.] A.D. 1878.

WHEREAS the South Staffordshire Mines Drainage Act, 1873 (in this Act referred to as "the principal Act"), was passed for the purpose of facilitating the drainage of mines in parts of South Staffordshire and East Worcestershire : 36 & 37 Vict. c. cl.

And whereas, in pursuance of the principal Act, Commissioners have been constituted and are incorporated under the title of "The South Staffordshire Mines Drainage Commissioners" (in this Act called "the Commissioners"), and the Commissioners have appointed arbitrators, who have surveyed the surface and mines of and within the drainage area, and have reported to the Commissioners certain of the works deemed by the arbitrators necessary for surface drainage and mines drainage, and have made awards setting forth the districts (in this Act called "drainage districts") into which the drainage area should be divided, the amount of general drainage rate required to be levied from time to time for the surface drainage and for the other purposes of the principal Act, except drainage of mines, and the mines drainage rates required for certain of the drainage districts :

And whereas doubts have arisen as to the powers of the Commissioners to borrow money on the security of particular rates, and it is expedient that such doubts should be set at rest :

And whereas it is expedient that the provisions of the principal Act in respect to the assessing and levying of rates should be varied and amended :

And whereas it is expedient that the powers of the Commissioners and arbitrators for the execution of the works authorised by the principal Act should be amended and enlarged, and that the provisions herein-after contained should be made and the principal Act in divers particulars varied and amended :

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A.D. 1878. — And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title. 1. This Act may be cited as the South Staffordshire Mines Drainage Act, 1878, and the principal Act and this Act may be cited together as the South Staffordshire Mines Drainage Acts, 1873 and 1878.

Construction of Act. 2. This Act and the principal Act shall be construed together as one Act, but this Act shall supersede the principal Act in all cases where the provisions of the principal Act and of this Act conflict, or where the provisions and powers of the principal Act are amended or varied by this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the principal Act or by the Acts wholly or partially incorporated therewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and in addition thereto the expression " court of summary jurisdiction " shall mean any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by an Act of the session of the 11th and 12th years of the reign of Her present Majesty, chapter 43, intituled " An Act to facilitate the performance of the duties of "justices of the peace out of sessions within England and Wales "with respect to summary convictions and orders," and any Act amending the same.

COMMISSIONERS.

Shareholders in joint stock companies qualified as Commissioners. 4. In addition to the persons qualified to be ordinary Commissioners under the provisions of the principal Act, any shareholder in a joint stock company which may be qualified to vote at the election of Commissioners according to the provisions herein-after contained shall be qualified to be an ordinary Commissioner.

Annual meetings of Commissioners. 5. From and after the passing of this Act the 11th section of the principal Act shall be read and construed as if the word " August " were struck out of such section and the word " October " were inserted in the said section instead of the word " August ; " and, notwithstanding anything in the principal Act contained, the annual meeting of the Commissioners, which would but for this Act

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be held on the first Wednesday in August 1878, shall not be held until the first Wednesday in October 1878. A.D. 1878.

6. Notwithstanding anything in the 13th and 28th sections of the principal Act contained, it shall be lawful for the Commissioners to appoint as members of any district committee, other than the district committee of the Oldbury District, any Commissioners who are not owners or occupiers of mines within the district for which such committee is appointed: Provided that the number of Commissioners to be appointed under the provisions of this section shall not exceed two upon any one district committee. Commissioners not being owners, &c. in a drainage district eligible on committee.

7. Notwithstanding anything to the contrary contained in the 9th clause of the Commissioners Clauses Act, 1847, a Commissioner who at any time after his election as a Commissioner shall be concerned or participate in any manner in any contract, or in the profit thereof, or of any work to be done under the authority of the principal Act or this Act, shall not thereby forfeit or vacate his office of Commissioner: Provided that a Commissioner who shall be concerned or participate in any such contract, or the profit thereof, or of any such work, shall not vote as a Commissioner upon or in any way take part in the discussion of any question in relation to such contract or work. Commissioners not to be disqualified through being interested in contracts, &c. 10 & 11 Vict. c. 16.

ELECTORS AND ELECTIONS.

8. Notwithstanding anything to the contrary contained in the 14th section of the principal Act, it shall not be a necessary qualification of an owner of a mine to vote as an elector that he is liable to be rated in respect of such mine if the occupier of such mine would be so liable; and, notwithstanding anything to the contrary contained in the said section, every corporation or joint stock company, being owners or occupiers of a mine within the drainage area, the occupier of which would be liable to be rated in respect of such mine, shall be entitled to vote in the election of Commissioners by proxy appointed in manner provided in Schedule I. to this Act, and shall be entitled to the same number of votes according to the area of mining surface owned or occupied by them as if such corporation or company were a person owning or occupying such mining surface. Votes of companies.

9. The 10th and 15th sections of the principal Act are hereby repealed, and from and after the passing of this Act, notwithstanding anything in the principal Act contained, the 21st to the 32nd clauses (both inclusive) of the Commissioners Clauses Act, 1847, in relation to the election of Commissioners, shall not form part of or be 10 & 11 Vict. c. 16. not to regulate election of Commissioners.

A.D. 1878. applicable to the principal Act or this Act, and instead thereof the election of Commissioners and all matters in relation to such election shall be governed by the rules contained in Schedule I. to this Act.

Rotation of Commissioners.
10 & 11 Vict. c. 16.

10. The ordinary Commissioners who would, under the provisions of the principal Act and the Commissioners Clauses Act, 1847, go out of office on the first Wednesday in August 1878 shall go out of office on the third Wednesday in November 1878, and not before, and the Commissioners who would but for this Act go out of office on the first Wednesday in August in any succeeding year shall go out of office on the third Wednesday in November in such year, and the election of the Commissioners to fill up the places of the Commissioners so retiring on the third Wednesday in November 1878 and any subsequent third Wednesday in November shall be declared upon or before the third Wednesday in November in every such year. The present rotation of Commissioners shall continue to be observed, and any Commissioner going out of office shall be eligible for re-election.

RETURN OF MINERALS.

Statement of minerals raised.

11. From and after the passing of this Act the return by the 17th section of the principal Act authorised to be required from every occupier shall, in the discretion of the Commissioners, be required to be made of the area of each measure of mine worked by such occupier, and of the number of acres of mine occupied by such occupier, and the number of tons of mineral raised by such occupier during either the year or the half year, or both, ending the next preceding thirty-first day of December or thirtieth day of June, as the case may be, and every such return shall separately specify the number of tons so raised of each class of mineral mentioned in Part II. of Schedule II. to the principal Act. Any occupier who shall wilfully mis-state any of the particulars in such return, or in the return authorised to be required by the second sub-section of the 24th section of this Act, shall be liable to a penalty not exceeding fifty pounds.

Penalty.

QUORUM OF ARBITRATORS.

Quorum.

12. Wheresoever the arbitrators are by the principal Act or this Act directed, required, or empowered to make any report, draft award, or final award, or to hold any meeting, or to do any other thing whatsoever, such report, draft award, or final award may be made, and such meeting may be holden, and such other thing as aforesaid may be done by the arbitrators, or any two of them.

REPORTS OF ARBITRATORS.

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13. In addition to the matters upon which the arbitrators are by the 23rd section of the principal Act expressly directed to report to the Commissioners, they shall from time to time report to the Commissioners all such means as they may in their discretion deem expedient for the relief of any portion of the surface or mines within the drainage area from water, whether such means are for the temporary or permanent relief of such surface or mines, and whether by subsidising or leasing or working pumping-plant, or constructing temporary or permanent works, or in any other manner: Provided that nothing herein contained shall empower the arbitrators to make any such report with respect to the relief of mines within the Oldbury District from underground water.

Arbitrators
to report
upon all
needful
works.

AWARDS OF ARBITRATORS.

14. The 30th and 33rd sections of the principal Act are hereby repealed, and instead thereof the following provisions shall take effect. The arbitrators shall from time to time and at any time, without the necessity of having previously made any of the reports or done any of the acts directed in the principal Act, make draft awards setting forth the matters, or some or one of the matters, following; (that is to say,)

Repeal of
sections 30
and 33 of
principal
Act, and
provisions
as to subjects
for awards.

(1.) Any alterations which they may consider that it is expedient should be made from time to time in the then existing number or boundaries of the drainage districts, or in some or one of such districts:

(2.) The formation in any drainage district of a sub-district or sub-districts, and the separation of any such sub-district from the drainage district within which it may lie for all or some only of the purposes of mines drainage within such district, and any alteration in the number or boundaries of such sub-districts:

(3.) The amount per ton of general drainage rate which will be required to be levied upon minerals under the provisions of the principal Act and this Act, or of either of them, for the surface drainage, and for other the purposes of the principal Act and this Act, except the drainage of mines:

(4.) The amount per ton of mines drainage rate which will be required to be levied upon minerals in each drainage district and in each sub-district (if any), under the provisions of the principal Act and this Act, for the drainage of mines in such district or sub-district:

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- (5.) The amount of the reduction (if any) per ton to be made in the mines drainage rate in favour of any particular mine or mines in any such district or sub-district in consideration of the circumstances of such mine or mines in relation to the other mines or mine in such district or sub-district :
- (6.) The total exemption of any particular mine or mines (if any) in any such district or sub-district in consideration of the circumstances of such mine or mines in relation to the other mines or mine in such district or sub-district :
- (7.) The amount of money per twenty-five thousand gallons of water per one hundred feet raised during the year, commencing on a day to be named in such draft award, which they may in their uncontrolled discretion consider it desirable that the Commissioners should pay or allow to any occupier who shall in pumping water at his own cost thereby relieve mines other than his own, provided that such amount shall in no case exceed sixpence per twenty-five thousand gallons of water per one hundred feet raised, and provided also, that such amount shall in no case exceed in the aggregate the amount of mines drainage rate payable by such occupier in respect of mines situate in the drainage district where such water is raised during the year in which such pumping shall be carried on. The actual total amount of money so payable shall in case of dispute be settled by the arbitrators at the end of such year, and shall be paid by the Commissioners out of the mines drainage rate of such drainage district :

Provided that nothing herein contained shall invalidate any existing award or awards of the arbitrators which shall be binding and valid until they shall be respectively superseded by any new award or awards; and provided also, that no draft award made by the arbitrators in relation to any alteration in the number or boundaries of the drainage districts, or any of them, shall be made unless and until the arbitrators shall have submitted the alterations in that behalf which they may propose to set forth in such draft award to the Commissioners at a meeting of the Commissioners specially convened for that purpose, and of which meeting seven clear days notice, specifying the object of such meeting, shall be given to each Commissioner, and unless and until such proposed alterations shall be sanctioned by a majority of at least four fifths of the Commissioners present at such meeting; and provided further, that no alteration in the number or boundaries of the

drainage districts, or any of them, shall be made or operate so as to prejudice any security given by the Commissioners before such alteration. A.D. 1878.
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15. Before making any draft award the arbitrators shall hold a public meeting, of which, and of the time and place at which the same will be held, ten clear days notice shall be given by advertisement in two or more newspapers circulating within the drainage area. Every owner or occupier may attend at such meeting, either in person or by his counsel or solicitor, and examine any witnesses called before the arbitrators in reference to any matter which may affect himself, and call witnesses in regard to any such matter, and may address the arbitrators in explanation of his objections to any proposed draft award; and the Commissioners may, by their clerks or secretary, also attend at such meeting in like manner and with the like privileges. Procedure by
arbitrators
before
making draft
award.

16. When the arbitrators shall have made any draft award, the following matters shall be observed: Procedure of
arbitrators
for making
draft award.

- (1.) The arbitrators shall specify at the end of such draft award the date when and the place at which they and the Commissioners will hold a joint sitting for the purpose of hearing objections to such draft award. Such joint sitting shall not be held until the expiration of one month from the date of such draft award:
- (2.) The Commissioners shall, ten clear days at least before the date of such joint sitting, give notice by advertisement in two or more newspapers circulating within the drainage area that such draft award has been made, and that copies thereof may be had at the offices of the Commissioners upon payment of a sum not exceeding one shilling for each copy, and shall also state in such advertisement the date and place when and where the arbitrators and the Commissioners will hold such joint sitting as aforesaid:
- (3.) Every person affected by such award may, three clear days at least before the date of such joint sitting, deliver at the office of the Commissioners a statement in writing specifying the nature of his objections to such draft award:
- (4.) Upon the day appointed for holding such joint sitting one or more of the arbitrators and four or more of the Commissioners shall sit at the place named in the said draft award, and shall hear all such objections of which such notice shall have been given publicly, if the objector

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claims a public hearing, and shall hear counsel, solicitors, and witnesses on the part of any such objector, and also the clerks or secretary of the Commissioners, and any witnesses called by them or him in opposition to such objections or any of them; and the decision of the arbitrators and Commissioners sitting at such joint sitting, or the majority of them, shall be final, subject nevertheless to the provisions contained in the 34th section of the principal Act :

- (5.) No Commissioner shall take part in or vote at any joint sitting held for the purpose of hearing objections to any draft award relating to the drainage of mines within the district in which such Commissioner is an owner or occupier.

Power to examine on oath.

17. The arbitrators, whether sitting alone or jointly with the Commissioners, shall have power to examine upon oath any person who may give evidence before them.

Provisions of section 34 of principal Act extended.

18. The provisions of the 34th section of the principal Act in relation to the decisions of the Commissioners shall be extended and shall apply to any decision of the Commissioners and arbitrators at any such joint sitting as aforesaid.

Draft award to be amended.

19. The arbitrators shall amend the draft award conformably to the joint decisions of the arbitrators and Commissioners sitting as aforesaid, but in every other respect the provisions of the 35th section of the principal Act shall be in force.

EXECUTION OF WORKS.

Extending powers of Commissioners as to execution of works.

20. In addition to the works authorised by the 38th section of the principal Act, the Commissioners shall have power—

- (1.) To carry into execution any report of the arbitrators made in pursuance of the powers given to the arbitrators by this Act :
- (2.) To stop or fill up all such disused pit shafts as the arbitrators may recommend should be stopped or filled up : Provided that before stopping or filling up any such disused pit shaft the Commissioners shall give notice thereof in writing to the owner and occupier of the land upon which such pit shaft is situate, such notice to be sent by post to the last known place or places of abode of such owner and occupier. If neither the owner nor the occupier shall make any objection in writing within fourteen days from the date of such notice, then such pit shaft may be forth-

with stopped or filled up; but if within such period he or they shall make any such objection in writing, then the Commissioners shall appoint a day when and a place at which the person or persons making such objections shall be heard by the arbitrators, and shall give notice thereof in writing to such owner or occupier so objecting, and if upon hearing such owner or occupier with respect to his objection the said arbitrators shall consider the same reasonable, then such pit shaft shall not be stopped or filled up; but if they shall consider the same unreasonable, then upon their making a report to that effect the said shaft may, if the Commissioners think fit, be forthwith stopped or filled up, subject to such conditions as to re-opening the same as the arbitrators shall in such report determine. The costs of stopping or filling up any such pit shaft shall be paid out of the mines drainage rate of the district in which such pit shaft is situate, and, save as aforesaid, no claim shall be made against the Commissioners in respect of the stopping or filling up of any such pit shaft.

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EXEMPTION FROM MINES DRAINAGE.

21. The 40th section of the principal Act shall be subject to the following provisions:

Provisions
as to exemp-
tion in
certain cases.

(1.) Upon any award of the arbitrators providing for any alteration in the number or boundaries of the drainage districts, or any one or more of such districts, any district which may have previously exempted itself from the operation of the principal Act with respect to underground drainage shall again become liable to the provisions of the principal Act and this Act with regard to underground drainage, unless the boundaries of such district are left absolutely unaltered by such award:

(2.) The owners and occupiers within any district which shall exempt itself from the operation of the principal Act and this Act with regard to underground drainage shall be and remain liable to be rated for payment of all moneys previously to such exemption borrowed by the Commissioners upon the security of the rates of such district, and of all interest money payable in respect of such borrowed money.

COMPENSATION.

22. All disputes and differences between the Commissioners and any person or persons, company or companies, corporation or

Compensa-
tion to be

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referred to
arbitration.

corporations, with respect to any compensation claimed from the Commissioners under the provisions of the 41st section of the principal Act, or of any of the Acts incorporated therewith, or of this Act, shall in every case be referred to arbitration under the provision herein-after contained: Provided that nothing herein contained shall be construed to prejudice any action or other legal proceeding commenced before the passing of this Act.

RATES.

Provision as
to general
drainage
rates.

23. The 42nd section of the principal Act is hereby repealed, and instead thereof, from and after the passing of this Act, the following provision shall take effect:

The Commissioners shall continue to assess and levy upon the occupiers of mines in accordance with the award of the arbitrators dated the third day of July 1874, until such award shall be varied or superseded by a fresh award, and then in accordance with such fresh award, a rate to be called as heretofore "The General Drainage Rate;" but, notwithstanding anything in the said award to the contrary, the said rate shall be assessed and levied half-yearly in respect of all minerals gotten from mines within the drainage area during the half year ending the thirtieth day of June or the thirty-first day of December, as the case may be, next preceding the date at which such rate shall be made, and the said rate shall not exceed in respect of each class of mineral mentioned in Schedule II. to the principal Act the amount specified in the first part of the said schedule. The said rate shall be made in the Form A. in Schedule II. to this Act, and shall be applicable only to the surface drainage, and to such proportions of the payments and appropriations specified in the 45th section of the principal Act as the Commissioners may from time to time deem properly chargeable to the general drainage rate, and it shall be payable to such person, in such places, and at such times as the Commissioners shall appoint; and if any rate shall not be paid by the person from whom it is due within one month after demand thereof shall have been sent by post to the last known place of abode of such person, the same may be recovered, with costs, either by action in any court of competent jurisdiction against the person or one of the persons who shall have been in occupation of the mine in respect of which such rate is due during the whole or part of the half year ending the thirtieth day of June or thirty-first day of December, as the case may be, next preceding the date on which such rate shall have been made, or by distress upon any goods

or chattels belonging to the occupier of such mine, and then being in and upon such mine, or in or upon the surface thereof, if such surface shall be in the possession of such occupier, and also upon any goods and chattels belonging to the occupier for the time being of such mine, and being in and upon any lands in which there shall be for the time being any pits or openings by or through which the minerals gotten from such mine shall for the time being be in course of working, in the same manner and with the same incidents as a distress for rent in arrear: Provided that no such distress shall be levied upon goods and chattels belonging to the lessor of such mine or lands, or to his workmen or servants, or any person employed by him.

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24. Notwithstanding anything in the 43rd section of the principal Act contained, the mines drainage rate shall be assessed in respect of all minerals which shall be gotten during the currency of such rate, and in making such assessment the Commissioners shall in every case, to the best of their judgment, settle and ascertain in what sums each occupier ought to be charged, and make an assessment accordingly. The said rate shall be made in the Form B. in Schedule II. to this Act, and shall not exceed in respect of each class of minerals mentioned in Schedule II. to the principal Act the amount specified in the second part of such schedule, and when assessed shall be payable in equal moieties, at such times, at an interval of not less than six months between each moiety, to such persons, and in such places as the Commissioners shall appoint, and shall be recoverable in the same manner as is herein-before provided in regard to the general drainage rate; provided nevertheless as follows:

Provisions
as to mines
drainage
rate.

- (1.) If at the end of the year for which such rate is made any occupier assessed to the same shall prove to the satisfaction of the Commissioners that the minerals gotten from any mine in respect of which he was assessed fell short of the amount so computed, and upon which he was assessed, it shall be lawful for the Commissioners to cause the assessment made for such year to be amended, and to repay to such occupier the amount, if any, of rate overpaid upon such assessment:
- (2.) If at the end of the year for which such rate is made the Commissioners shall have reason to suppose that the minerals gotten by any occupier from any mine in respect of which he was assessed exceeded the amount so computed, and upon which he was assessed, it shall be lawful for the Commissioners to call upon such occupier for a statement

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of the minerals gotten by him during such year from such mine, and to verify such statement by statutory declaration, and otherwise to inquire into the truth of such statement and as to the true amount of such minerals, and if they shall find and decide that the amount of such minerals exceeded the amount so computed it shall be lawful for the Commissioners to cause the assessment made for such year to be amended, and to recover the amount of rate due in respect of such amended assessment in the same manner as is herein-before provided in regard to the rate due on the original assessment. Such decision of the Commissioners shall be subject to the appeal provided for by the 44th section of the principal Act.

Notice of appeal to arbitrator to be given within three weeks.

25. Every person desiring to have the amount of his assessment referred to an arbitrator, to be appointed by the Board of Trade under the 44th section of the principal Act, shall deliver at the office of the Commissioners a notice of his desire so to do within three weeks after he shall have had notice of the refusal of the Commissioners to alter his assessment, or otherwise he shall lose all right to have such question so referred, and shall be bound by such assessment, which, except as provided by the 24th section of this Act, shall be conclusive. The costs of or incidental to every such arbitration shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of Her Majesty's High Court of Justice, and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters, and all those enactments, including the enactments relating to the taking of stamps, shall extend to the fees in respect of the said taxation.

Certain limestone to be exempted from general drainage rate.

26. No general drainage rate shall be payable in respect of limestone gotten by the Right Honourable the Earl of Dudley, his heirs or assigns, from any mine or mines which are now exempted from the payment of mines drainage rate by an award or awards of the arbitrators, unless and until the same mines shall be rated to the mines drainage rate by the arbitrators by reason of water flowing from the limestone to the coal measures, but upon any of the said respective mines becoming so rated to the mines drainage rate such mine or mines shall forthwith become liable to the payment of general drainage rate: Provided that nothing herein contained shall be construed or carried into effect so as to prejudice the security of any person or body who shall have advanced money upon the security of the general drainage rate.

BORROWING.

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27. All moneys borrowed by the Commissioners from time to time, under the provisions of the 48th section of the principal Act, may be so borrowed on the security of all or some only or any one of the rates, or the whole or any part or parts of the property, which they are by the principal Act or this Act authorised to levy or acquire, and they may mortgage all or some only or any one of the said rates, and the whole or any part or parts of the said property, to secure the repayment of such moneys with interest accordingly, and this section shall act retrospectively. Any such mortgage may be made in the Form C. in Schedule II. to this Act.

Power to borrow on particular rates or particular property.

28. From and after the passing of this Act all moneys borrowed for the purposes of mines drainage works in any particular drainage district or districts shall be borrowed on the security of the mines drainage rate or rates of such district or districts, or upon the property of the Commissioners in such district or districts, and where such money is borrowed on the security of the mines drainage rates of two or more such districts, such districts shall as between themselves, but not as between the Commissioners, and the lender or lenders bear the burden of such moneys in the proportions in which such moneys are applied for their benefit respectively: Provided that it shall not be incumbent upon any person advancing or lending any moneys to the Commissioners to see to the application of the money so advanced or lent, or to inquire whether such money is intended to be applied for the purposes of mines drainage works in the district or districts upon whose rate or rates it is secured, or upon one or more only of such districts, or otherwise into the intentions of the Commissioners in regard to the application of the moneys so advanced or lent.

Each drainage district to be liable for money borrowed for its exclusive benefit.

29. Mortgagees or a mortgagee under any security already or hereafter given by the Commissioners may enforce the payment of arrears of interest or principal, or principal and interest, due to them or him by the appointment of a receiver, and the amount owing to authorise the appointment of a receiver in respect of arrears of principal shall not be less than two thousand pounds.

As to appointment of a receiver.

30. Notwithstanding anything to the contrary contained in the 50th section of the principal Act, it shall be lawful for the Commissioners, in their discretion, to set aside annually as a sinking fund, to be applied in paying off any principal sum or sums of money borrowed by them, any greater amount than one thirtieth of the amount of the principal sum in respect of which such sinking fund shall be set aside; provided that from and after the passing of this

Sinking fund.

A.D. 1878. Act all moneys set aside as such sinking fund shall in every case be set aside out of the rate or rates upon the security of which the principal money or moneys in respect of which such sinking fund is set aside was or were borrowed.

PROTECTION OF WORKS.

For protection of works.

31. If any person shall in any way interfere with any culvert, drain, sewer, outfall, or public watercourse, whether natural or artificial, within the drainage area which has been constructed or repaired by the Commissioners, so as to damage any work done or addition made by the Commissioners in respect thereof, or shall damage or injuriously interfere with any reservoir, pond, tank, floodgate, weir, bridge, tunnel, pumping plant, or any other engineering work or thing of the Commissioners, or shall pierce, injure, weaken, or in any way injuriously interfere with any underground barrier of or belonging to the Commissioners, or shall do or omit to do any act or make any works, the probable consequence of the doing or omission to do or make which would be to damage the works of the Commissioners, the Commissioners shall by written notice require such person, within a reasonable time therein specified, to cease from such damage to or such injurious interference with such culvert, drain, sewer, outfall, watercourse, reservoir, pond, tank, floodgate, weir, bridge, tunnel, pumping plant, or other engineering work, or such underground barrier, or from doing any such other act as aforesaid, as the case may be; and shall also require such person by all proper means to place such culvert, drain, sewer, outfall, watercourse, reservoir, pond, tank, floodgate, weir, bridge, tunnel, pumping plant, or other engineering work, or such underground barrier, as the case may be, in as good a state and condition for the purposes of the Commissioners as the same was in before such person injuriously interfered with the same, or to do or make such other acts or works as may be necessary to protect the works of the Commissioners as the case may require: Provided that nothing contained in this section or in the next succeeding section shall extend or apply to any act done or works made, or to any act or works omitted to be done or made, by the mayor, aldermen, and burgesses of the municipal borough of Walsall in their capacity as a municipal or sanitary authority, or by the mayor, aldermen, and burgesses of the municipal borough of Wolverhampton in their capacity as a municipal or sanitary authority.

Power to repair damage at cost of

32. If such notice is not complied with, the Commissioners may, at the expiration of the time specified in the notice, do any repairs or any act or make any works thereby required to be done or made,

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and for that purpose may, by themselves, their engineers and workmen, enter into and upon any of the lands or mines of such person, with or without engines, carts, horses, and all other necessary aids, and may recover in a summary manner from such person the expenses incurred by them in doing such repairs or acts or making such works. Any person resisting or impeding the Commissioners or their engineers or workmen in doing any such act or making any such work shall be liable to a penalty not exceeding ten pounds.

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person
causing the
same.

Penalty.

33. Nothing in this Act contained shall impose on the Oldbury District any liability with respect to underground drainage, or the assessing or levying a mines drainage rate not existing at the time of the passing of this Act, or authorise the arbitrators and Commissioners, or any or either of them, to alter the boundaries of the said district as at present constituted under the powers and provisions of the principal Act, or give the arbitrators and Commissioners, or any or either of them, any power to assess or levy any mines drainage rate in the said district, or remove the exemption of the said district from the operation of the principal Act or this Act with respect to underground drainage, unless by virtue of a memorial in accordance with the provisions of section 40 of the principal Act.

For protec-
tion of
Oldbury
District.

ARBITRATION.

34. From and after the passing of this Act the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall cease to be incorporated with and form part of the principal Act, and instead thereof, in case of dispute as to any compensation to be made under the provisions of the principal Act or this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by the principal Act or this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single referee, each party shall appoint a referee to whom the matter shall be referred.

Arbitration
clauses of
8 & 9 Vict.
c. 20. not to
apply.

35. With respect to arbitrations under this Act the following regulations shall be observed; (that is to say,)

Regulations
as to arbitra-
tions.

- (1.) Every appointment of a referee under this Act when made on behalf of the Commissioners shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate, under their common seal:

A.D. 1878.

- (2.) Every such appointment shall be delivered to the referees, and shall be deemed a submission to arbitration by the parties making the same, and after the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party act as a revocation :
- (3.) If for the space of fourteen days after any matter by the principal Act or this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed a referee has been given to the other party stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint a referee, the referee appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties :
- (4.) If before the determination of any matter so referred any referee dies, or refuses or becomes incapable to act, the party by whom such referee was appointed may appoint in writing another person in his stead, and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining referee may proceed *ex parte*, and every referee so appointed shall have the same powers and authorities as were vested in the referee in whose stead the appointment is made :
- (5.) If a single referee die or become incapable to act before the making of his award, or fails to make his award within six weeks after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matter referred to him shall be again referred to arbitration under the provisions of this Act as if no former reference had been made :
- (6.) Where there is more than one referee, the referees shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act the referees shall forthwith appoint another person in his stead, and if the referees neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Board of Trade shall on the application of any such party appoint an umpire :

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(7.) If the referees fail to make their award within six weeks after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire : A.D. 1878.

(8.) The time for making an award by a referee or referees under this Act shall not in any case be extended beyond the period of three months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him :

(9.) Before any referee or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace ; (that is to say,)

I, *A.B.*, do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the South Staffordshire Mines Drainage Acts, 1873 and 1878.

(Signed) *A.B.*

(10.) Any referee or referees or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath :

(11.) The costs of and consequent upon the reference shall be in the discretion of the referee or referees, or (in case the matters referred are determined by an umpire) of the umpire :

(12.) Any submission to arbitration under the provisions of this Act may be made a rule of any Division of Her Majesty's High Court of Justice on the application of any party thereto :

(13.) The award of any referee or referees or of an umpire under this Act shall be final and binding on all parties to the reference :

(14.) All and every referees or referee or umpire appointed by virtue of this Act shall, at the request of any or either party to the reference before them or him, state their or his award as to the whole or any part thereof in the form of a special case for the opinion of any Division of Her Majesty's High Court of Justice.

A.D. 1878. **36.** All questions referable to arbitration under the principal Act or this Act may, when the amount in dispute is less than fifty pounds, be determined at the option of either party before a court of summary jurisdiction.

As to claims under 50l.

Section 62 of principal Act to extend to works under this Act. **37.** Section 62 of the principal Act shall extend and apply to the works by this Act authorised, or which may be executed under the provisions of this Act, and to all acts and proceedings under or in exercise of the powers conferred by this Act, in the same manner as if such section was expressly re-enacted in this Act in reference to such respective works, acts, and proceedings.

For protection of Birmingham Canal Company's works.

38. The provisions in the principal Act for the protection of the Company of Proprietors of the Birmingham Canal Navigations, and of their property and works, shall extend and apply to the works by this Act authorised or executed under the authority of this Act, and to all acts and proceedings under this Act, in the same manner as if such provisions, so far as they are applicable, were re-enacted in this Act in reference to such respective works, acts, and proceedings; and nothing in this Act shall in any way prejudice, diminish, alter, or take away any of the rights, privileges, benefits, powers, or protection conferred on that company by the principal Act.

For protection of Stourbridge Navigation works.

39. The provisions contained in sections 66, 67, 68, 69, and 70 of the principal Act for the protection of the Company of Proprietors of the Birmingham Canal Navigations shall, from and after the passing of this Act, apply to and shall be in force in favour of the Company of Proprietors of the Stourbridge Navigation as fully and effectually as though the last-named Company of Proprietors and their undertaking had been expressly named in the said provisions.

For protection of the Stourbridge Extension Canal.

40. The provisions contained in sections 66, 67, 68, 69, and 70 of the principal Act for the protection of the proprietors of the Birmingham Canal Navigations shall apply to and shall be in force in favour of the Great Western Railway Company, as proprietors of the Stourbridge Extension Canal, as fully and effectually as though the last-named railway company and the Stourbridge Extension Canal had been previously named in the said provisions, and shall also extend and apply to the works by this Act authorised, or which may be executed under the provisions of this Act.

For protection of railway, &c. of London

41. Nothing in this Act shall authorise the Commissioners to interfere with any railway, station, buildings, sidings, or works belonging to the London and North-western Railway Company, or

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the lands connected therewith and used for the purposes thereof, without the previous consent in writing of the said company under their common seal.

and North-western Railway Company.

42. When the permanent surface works shall be so far completed as in the opinion of the arbitrators shall enable a judgment to be formed of the proportionate expenditure attributable to the portions of the drainage area herein-after defined, the arbitrators shall hold from time to time inquiries for the following purposes; that is to say,

For providing for apportionment of cost of surface works.

- (1.) To ascertain the amount of money expended for the purposes of surface drainage in that portion of the drainage area which is situate within the watershed of the River Tame, and also the amount of money expended for similar purposes in that part of the drainage area which is situate within the watershed of the River Stour;
- (2.) To ascertain the total amount of general drainage rate raised up to that date in each of the said portions of the drainage area;
- (3.) And to settle and adjust all other questions arising between those districts as to the amount of the proportion of such general drainage rates to be ultimately raised by each of such districts:

Provided that no such inquiry or determination shall be taken to prevent the construction of any further surface works which the arbitrators may thereafter deem expedient.

- (4.) When the arbitrators shall have determined the said questions they shall from time to time make awards with regard to the general drainage rate, setting forth the amount per ton of general drainage rate, if any, not exceeding, in respect of each class of minerals mentioned in Schedule II. to the principal Act, the amount specified in the first part of such schedule, which should thenceforward be levied upon minerals within that portion of the drainage area which is within the watershed of the River Tame; and also the amount of such rate, if any, not exceeding as aforesaid, which should thenceforward be levied upon minerals within that portion of the drainage area which is within the watershed of the River Stour, and the application of such rate, so that as far as possible each such portion of the drainage area should bear such expenditure in the proportion in which money shall have been expended in each such portion respectively of the drainage area for the purposes of surface drainage. Every such award

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shall be final in the first instance, and shall not be subject to any appeal. Provided that nothing herein contained shall be construed or carried into effect so as to prejudice the security of any person or body who shall have advanced money upon the security or partly upon the security of the general drainage rate.

NOTICES.

Service of notices and documents.

43. Notices, orders, and other documents required to be served under this Act or the principal Act, or either of them, may, except where otherwise specified, be served by delivering the same to or at the residence or the place of business of the persons to whom they are addressed. They may be also served by post by a prepaid letter addressed to such person at his last known place of abode or business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

COSTS.

Expenses of Act.

44. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Commissioners out of money borrowed by them or received by them from the rates authorised by the principal Act or this Act.

SCHEDULE I.

A.D. 1878.

RULES FOR THE ELECTION OF COMMISSIONERS.

PAYMENT OF RATES BY ELECTORS.

1. No occupier shall be entitled to vote as such at any election unless he has been rated to the general drainage rate during the whole or any part of the year ending the thirtieth day of June next preceding such election, and has also paid such rate.

VOTING AND REGISTER OF ELECTORS.

2. Electors may give their votes either personally or by proxy.

3. Notwithstanding anything contained in the first sub-section of the 14th section of the principal Act, the instrument appointing a proxy shall be in writing under the hand of the appointor, or where the appointor is a corporation, under their common seal, or where the appointor is a body of persons unincorporate, under the hands of two directors or other persons having the direction or management of the undertaking or business carried on by such body of persons, and every such instrument shall be attested by a witness, and may be in the Form D. in Schedule II. of this Act.

4. An elector or proxy shall not be entitled to have a voting paper delivered to him as such unless his name is on the register herein-after mentioned.

5. The Commissioners shall cause a register to be made and kept, in which shall be entered the names, addresses, and qualifications of the owners and occupiers claiming and entitled to vote, and the names or descriptions, addresses, and qualifications of the appointors of proxies, and the names and addresses of proxies duly appointed, and the number of votes to which each such elector or proxy is entitled. Any register of electors made before the passing of this Act shall be deemed to be a register or part of a register under this Act.

6. A claim by an owner or occupier or proxy to be entered on the register shall state his name and address within the drainage area, and a description of the nature of the interest or estate in the property giving the qualification, and in the case of a proxy the claim shall be accompanied by the appointment of the proxy, or an attested copy thereof.

7. A claim by an owner or occupier may be made by writing in Form E. in Schedule II. to this Act, and a claim by a proxy may be made by writing in Form F. in the same schedule.

8. Any elector may object to the keeping of any name on the register by notice in writing in the Form G. in Schedule II. to this Act.

9. Claims and objections shall be sent to the chairman of the Commissioners, at the principal office of the Commissioners, on some one of the first six days of October, and a claim or objection sent at any other time shall not be admitted by the chairman.

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10. A person making an objection shall also give written notice thereof to the person objected to by sending the same by post to the registered address of that person.

11. The chairman shall, between the twentieth day of September and the first day of October, publish a notice in the Form H. in Schedule II. to this Act, and signed by him, of the time within which claims and objections are to be made as aforesaid, and shall cause a copy of such notice to be inserted in two or more newspapers circulating in the drainage area.

12. The chairman, on the expiration of the time for sending in claims and objections, shall, with the assistance of such persons, if any, as the Commissioners may appoint, proceed forthwith to revise the register by entering thereon the names of the persons who have claimed and are proved to his satisfaction to be entitled to vote as electors or proxies respectively, and the other particulars by this schedule required to be entered with respect to electors and proxies, and by expunging from the register the names of electors and proxies who are proved to his satisfaction to be dead, or who, having been duly objected to, are proved to his satisfaction to have ceased to be entitled to vote.

13. For the purpose of enabling the chairman to determine the validity of claims and objections, he may examine such persons and call for such evidence from the persons making the same as he may think fit. Any person may tender himself to be examined, but no person, other than the person making such claim or objection, shall be entitled to be examined or to be heard before the chairman in support either of a claim or an objection.

14. Not later than the sixteenth day of October the chairman shall close the revision and sign the revised register, and that register shall continue in force for the twelve months next ensuing.

15. If the chairman is unable or unwilling to conduct the revision of the register, the Commissioners shall appoint some person to conduct the revision, and in default of such appointment the revision shall be conducted by one of the law clerks to the Commissioners. Any person so appointed shall for the purposes of the revision have the same powers and duties as the chairman of the Commissioners.

16. The register shall be open to the inspection of candidates and other persons interested in any election or in any question at which any such owner or occupier or proxy claims to vote, subject to such rules as the Commissioners may prescribe for the prevention of loss, injury, or disorder.

Returning officer.

17. The returning officer for the purposes of the election of Commissioners shall be the chairman of the Commissioners, and all powers and duties by this Act vested in or imposed on the returning officer, and all other duties requisite to be performed by him in relation to such election, shall be exercised and performed by the chairman.

18. If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman, from illness or other sufficient cause, is unable to exercise or perform such powers or duties, or is absent or refuse to act, some other person shall be appointed by the Commissioners to exercise or perform such powers and duties.

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19. The Commissioners shall, before or during the election, appoint a competent number of persons to assist the returning officer in conducting and completing the same. A.D. 1878. —

20. The returning officer shall, after the close of the revision of the register, but not less than ten days before the last day appointed for delivery to him of nomination papers, publish a notice in two or more local newspapers circulating within the drainage area, and also at the principal office of the Commissioners, specifying— Election.

The number and qualification of the persons to be elected :

The place where the nomination papers herein-after mentioned are to be delivered or sent to him :

The last day on which they are to be delivered or sent in :

The mode of voting in case of a contest :

The day on which, and the place where and the hours during which, in case of a contest, the voting is to take place.

21. The returning officer may, if he thinks fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

22. Any elector may nominate for the office of Commissioner himself or any other person or persons qualified to be Commissioners (not exceeding the number of persons to be elected).

23. Every such nomination shall be in writing, and shall state the name and residence and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and be delivered or sent to the returning officer at the principal office of the Commissioners.

24. Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

25. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons, if duly qualified, shall be deemed and shall be certified by the returning officer under his hand to be elected.

26. If the number nominated and not withdrawn exceeds the number to be elected, the returning officer shall cause voting papers, in the Form I. contained in Schedule II. to this Act, to be prepared and filled up, and shall insert therein the name and residence and calling or quality of each of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons, but it shall not be necessary to insert more than once the name of any person nominated.

27. On the day and during the hours fixed for the voting, the returning officer shall deliver a voting paper to each of the electors or proxies who shall personally apply to him for a voting paper, upon being satisfied by the person requiring such voting paper that he is an elector or proxy and has not already voted at the election for which he shall require such voting paper.

28. Each elector shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper.

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29. Any person voting as a proxy shall in like manner write his own initials, and sign his own name, and state also in writing the name of the person, corporation, or body of persons for whom he is proxy.

30. Any elector unable to write shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such elector against the name of every candidate for whom the elector intends to vote.

31. The voting paper when so filled up shall be forthwith personally delivered by the elector or proxy who has filled up the same to the returning officer during the hours named for the voting.

Counting of votes.

32. The returning officer shall, immediately after the close of the poll, cast up such of the votes as he finds to be valid and to have been duly given and received, and shall ascertain the number of such votes for each candidate. Any candidate may himself attend or may appoint any agent to attend the casting up of the votes. Any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may, by order of the returning officer, be forthwith removed from the office of the Commissioners, and if so removed shall not be permitted to return.

33. The candidates, to the number to be elected, who, being duly qualified, have obtained the greatest number of votes shall be deemed and shall be certified by the returning officer under his hand to be elected, and to each person so elected the returning officer shall forthwith send by post or deliver notice of his election.

34. The returning officer shall also cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the persons elected, and shall sign and certify such list, and shall deliver the same, together with the nomination and voting papers which he has received, to the Commissioners at their next meeting, who shall cause the same to be deposited in their office.

35. Such list shall, during office hours, be open to public inspection, together with all other documents relating to the election, for six months after the election, without fee or reward.

36. The returning officer shall make all his arrangements for the conduct of the election so as to ensure its completion and the ascertainment of the result on or before the third Wednesday in November in each year, and on that day the candidates elected shall come into office, and until that day the members in whose room they are elected shall continue to hold office.

General provisions.

37. The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the Commissioners, shall be paid out of the general drainage rate.

38. If the returning officer refuses or neglects to comply with any of the provisions of this schedule relating to elections he shall be liable to a penalty not exceeding fifty pounds, and any person employed for the purposes of any such election by or under the returning officer who is guilty of any such neglect or refusal shall be liable to a penalty not exceeding five pounds.

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39. Any person who

Fabricates in whole or in part, or alters, defaces, destroys, abstracts, or purloins, any voting paper, or personates any person entitled to vote at any election; or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote; or

Interferes with the delivery or return of any voting paper, or delivers any voting paper under a false pretence of being lawfully authorised to do so,

shall be liable to a penalty not exceeding twenty pounds.

SCHEDULE II.

FORMS.

FORM A.

FORM OF GENERAL DRAINAGE RATE.

THE SOUTH STAFFORDSHIRE MINES DRAINAGE ACTS, 1873 AND 1878.

An assessment for the general drainage rate under the provisions of the South Staffordshire Mines Drainage Acts, 1873 and 1878, made this day of 18 , for the half year ending the 30th day of June [or 31st day of December] last, after the rate of one penny upon every ton of slack, shale, limestone, ironstone, fire-clay, coal, or other minerals raised out of all mines within the drainage area during such half year, and which rate we hereby declare to be payable on the day of next.

Given under our corporate seal the day and year first above written.

FORM B.

FORM OF MINES DRAINAGE RATE.

THE SOUTH STAFFORDSHIRE MINES DRAINAGE ACTS, 1873 AND 1878.

DISTRICT.

An assessment for the mines drainage rate for the Drainage District, under the provisions of the South Staffordshire Mines Drainage Acts, 1873 and 1878, made this day of 18 , for one year from the day of the date hereof, after the rate of pence upon every ton of fire-clay and limestone, and of pence upon every ton of ironstone, and of pence upon every ton of coal, slack, and other

A.D. 1878. minerals gotten from all mines (save as herein mentioned) within the
Drainage District during such year, save and except that, in
accordance with the provisions of an award of the arbitrators under the said
Acts, or one of them, dated the day of 18 , in
reference to the said rate [*here state the exemptions and graduations specified in
the award*]. And we hereby declare that the said rate shall be payable in two
equal parts; that is to say, on the day of next, and
the day of next.

Given under our corporate seal the day and year first above written.

FORM C.

FORM OF MORTGAGE.

No.

THE SOUTH STAFFORDSHIRE MINES DRAINAGE ACTS, 1873 AND 1878.

By virtue of the provisions in this behalf contained in the South Staffordshire Mines Drainage Acts, 1873 and 1878, we, the South Staffordshire Mines Drainage Commissioners, incorporated by and acting in pursuance of the said Acts, or one of them, in consideration of the sum of pounds paid to the treasurer to the said Commissioners by of in the county of , do grant and assign unto the said executors, administrators, and assigns, such proportion of the whole of the rates [*or the general drainage rate or the mines drainage rate for that division of the drainage area known by the name of the District*] now made or hereafter to be made by us or our successors under the provisions of the same Acts, or either of them, as the said sum of pounds doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the same rates, or any of them, to hold to the said executors, administrators, and assigns, from this day until the said sum of pounds, with interest at pounds per centum per annum for the same, shall be fully paid and satisfied. The principal sum to be repaid at the expiration of years from the date hereof.

Given under our corporate seal this day of one thousand eight hundred and .

The seal of the South Staffordshire
Mines Drainage Commissioners was
affixed hereto in the presence of

Chairman.

Law Clerk.

Entered,

Secretary.

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FORM D.

A.D. 1878.

APPOINTMENT OF PROXY.

TO THE CHAIRMAN OF THE SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSIONERS.

I [*or we*], the undersigned, being the owner [*or owners, or occupier, or occupiers*] of the mines herein-after described, which are situate in the Drainage District of _____, do hereby appoint _____ to vote as my [*or our*] proxy in all cases wherein he may lawfully do so, pursuant to the provisions of the South Staffordshire Mines Drainage Acts, 1873 and 1878; and I [*or we*] hereby state that the description of the said mines is as follows; viz.,*

Dated this _____ day of _____ 18 .

Signature of owner [*or occupier*].

Address of owner [*or occupier*].†

Witness.

* Describe the mines by their name, situation, and name of occupier, or shortly in any other way by which it may be identified.

† Or of two directors, or in the case of a corporation, say, given under our common seal, and add the name of the person or persons entitled to affix the seal.

FORM E.

ELECTORS' CLAIM.

TO THE CHAIRMAN OF THE SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSIONERS.

In pursuance of the provisions of the South Staffordshire Mines Drainage Act, 1878, I, the undersigned owner [*or owners, or occupier, or occupiers*] of the mines herein-after described, which are situate in the Drainage District of _____, claim to have my name inserted in the register of electors and proxies provided for by the said Act as such owner [*or owners, or occupier, or occupiers*], pursuant to the said Act; and I state that the description of the said property is as follows; viz.,*

Dated this _____ day of _____ 18 .

Signature of Claimant.

Address of Claimant.

* Describe the mines by their name, situation, and name of occupier, or shortly in any other way by which they may be identified.

FORM F.

PROXY'S CLAIM.

TO THE CHAIRMAN OF THE SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSIONERS.

In pursuance of the provisions of the South Staffordshire Mines Drainage Act, 1878, I, the undersigned, having been appointed by

A.D. 1878. of _____, who is [or are] the owner [or owners, or occupier, or occupiers] of the mines herein-after described, which are situate in the Drainage District of _____, to vote as his [or their] proxy, pursuant to the provisions of the said Act, claim to have my name inserted in the register of electors and proxies provided for by the said Act as such proxy, pursuant to the said Act; and I state that the description of the said property is as follows: viz.,*

I herewith transmit to you† the writing under the hand [or hands], or in the case of a corporation the common seal, of the said _____ appointing me such proxy.

Dated this _____ day of _____ 18 .

Signature of Claimant.

Address of Claimant.

* See note to last preceding form.

† If the appointment itself is not sent insert the words "an attested copy of."

FORM G.

FORM OF OBJECTION.

TO THE CHAIRMAN OF THE SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSIONERS.

I, the undersigned, hereby give you notice, that I object to the name of the person mentioned and described below being retained on the register of electors and proxies provided for by the South Staffordshire Mines Drainage Act, 1878.

Christian and Surname of the Elector or Proxy objected to.	Address as described.	Whether Owner or Occupier or Proxy.	Description (in case of Proxy) of Appointor.

Dated this _____ day of _____ 18 .

Signature of Objector.

Address of Objector.

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FORM H.

NOTICE OF TIME FOR MAKING CLAIMS AND OBJECTIONS.

In pursuance of the provisions of the South Staffordshire Mines Drainage Acts, 1873 and 1878, I hereby give notice that all persons who are entitled to vote as owners or occupiers, or proxies of owners or occupiers, of mines within the drainage area at the election of ordinary Commissioners under the said Act, and who are not on the register of electors and proxies now in force, or who being on the register do not retain the qualification or address described therein, and who are desirous to have their names inserted in the register about to be made, and all persons who are desirous of objecting to any name on the register now in force, are hereby required to give or send to me, at the principal office of the Commissioners, situate at Wolverhampton in the county of Stafford, on some one of the first six days of October next, a claim or an objection (as the case may be) in the form hereunder set forth.

Dated

(Signed)

Chairman of the South Staffordshire Mines
Drainage Commissioners.

[Here set forth by way of Schedule Forms E., F., and G.]

FORM I.

FORM OF VOTING PAPER.

SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSION.
ELECTION OF ORDINARY COMMISSIONERS, 18 .

VOTING PAPER.

Name and Address of Voter.	Number of Votes as Owner.	Number of Votes as Occupier.

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Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.

I vote for the persons in the above list against whose name my initials are placed.

(Signed)
or the mark of
Witness to the mark
or proxy for

Directions to the Voter.

The voter must write his initials against the name of every person for whom he votes, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against the name of every person for whom the voter intends to vote.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the name of the body of persons for whom he is proxy.

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