



CHAPTER I.

An Act to provide for the Improvement of High Street in the City of Sheffield and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS High Street is the central and principal street of the county borough of Sheffield and, although approached on all sides by wide and commodious streets is itself narrow and incommodious so that traffic is impeded and property depreciated:

And whereas it is expedient to authorise the Corporation of Sheffield to execute such widening and improvement of High Street and its continuations called Market Place and Fruit Market as is in this Act described and to borrow money for the purpose:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the widening and improvement of High Street Market Place and Fruit Market authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of December one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Sheffield and Rotherham Independent a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should at the option of the council be charged on the borough fund borough rate district fund general district rate or other public

A.D. 1893. funds or rates under the control and management of the council in such proportions as the council may determine or out of moneys to be borrowed by the Corporation on the security thereof :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held on the eleventh day of January one thousand eight hundred and ninety-three in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas since the introduction of the Bill for this Act Her Majesty has by Royal Charter dated the thirteenth day of February one thousand eight hundred and ninety-three ordained and declared that the borough shall be constituted a city and that the mayor aldermen and burgesses shall be one body politic and corporate by the name of "the Mayor Aldermen and Citizens of the City of Sheffield" :

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) :—

Preliminary.

Short title. 1. This Act may be cited as the Sheffield Corporation (Street Widenings) Act 1893.

Incorporation of Lands Clauses Acts. 2. The Lands Clauses Acts are hereby incorporated with this Act.

Act to be executed by Council. 3. This Act shall be carried into execution by the Corporation acting by the council.

Interpretation. 4. In this Act unless the context otherwise requires—
"The city" means the city of Sheffield ;
"The Corporation" and "the council" mean respectively the mayor aldermen and citizens and the council of the city ;

“District fund” and “general district rate” mean respectively the district fund and general district rate of the district of the Corporation acting by the council as a sanitary authority.

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High Street Improvement.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvement herein-after described with all necessary or convenient approaches and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes or any of them:

Power to
widen High
Street
Market
Place and
Fruit
Market.

The street improvement by this Act authorised to be made is as follows:—

- (A) A widening of High Street and Market Place on the south side thereof commencing at the north-east end of Fargate and terminating at the west side of Change Alley:
- (B) A widening of Fruit Market (which is a continuation of High Street) commencing at the east side of Change Alley and terminating at the west side of Fitzalan Square.

6. In making the said improvement and works the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Power to
deviate.

7. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connection with the improvement by this Act authorized and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said improvement and may raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway and may make diversions widenings or alterations of lines or levels of any existing street for the purpose of connecting the same with the said improvement or of crossing under or over the same or otherwise. Provided that the Corporation shall make to the owners lessees and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them by the exercise of the powers of this section.

Power to
make sub-
sidiary
works.

8. The Corporation may for the purposes of or in connection with the improvement by this Act authorised and within the limits of deviation raise sink or otherwise alter the position of any water-

Alteration
of position
of mains
and pipes.

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course water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the said improvement and also any gas main or other pipe and also any pipe tube or apparatus laid down for telegraphic or other purposes and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any person who suffers damage by any such alteration :

Provided that the Corporation shall not raise sink or otherwise alter or in any way interfere with any pipe tube or apparatus laid down for telegraphic or other purposes and belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall give the Corporation any further powers of interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 than they may have under section fifteen of the former Act.

Alteration of
position of
overhead
wires &c.

9.—(A) The Corporation may for any purpose in connection with the improvements upon the lands acquired by them under the powers of this Act require the owner of any overhead wire conductor or cable used for the purposes of telegraphic or telephonic communication or of any support or attachment thereto to remove the same or alter the position thereof on giving to such owner one month's notice in writing and if such owner neglects or refuses to remove or alter the same the Corporation may themselves execute the necessary works :

(B) The Corporation shall bear and pay the expense of such removal or alteration and of all proper substituted works and shall also make reasonable compensation to such owner for any damage occasioned by such removal or alteration :

(c) If any difference arise between the Corporation and such owner touching the amount of any expenses or compensation under the provision of this section to be paid by the Corporation to such owner or touching any work matter or thing with reference to such wires conductors cables supports or attachments under such provisions to be done or executed or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon between the Corporation and such owner or failing agreement by such engineer as shall on the application of the Corporation or of such owner be named by the President for the time being of the Institute of Civil Engineers whose decision shall be final and

binding and the costs of any such reference shall be borne as the referee may direct: A.D. 1893.

(D) Nothing in this section shall apply to any telegraphic line of the Postmaster-General but if the Corporation require for the purposes of the improvements under this Act any removal or alteration of any such line they shall be subject to and shall comply with the provisions of the Telegraph Act 1878:

The expression "telegraphic line" has the same meaning in this section as in the Telegraph Act 1878.

10. If by reason or in consequence of the making of the improvement and works by this Act authorised or any part of such improvement and works it shall be necessary or desirable at any time or from time to time for the safe efficient or more economical or more convenient supply of electric energy for any public or private purpose or to or in respect of any premises within the area of such improvement and works which is part of the area within which the Sheffield Electric Light and Power Company Limited are authorised to supply electric energy under the provisions of the Sheffield Electric Lighting Order 1892 or for the safe efficient or more economical or convenient repair maintenance or working of the electric lines or system of the said company or any part thereof that the said company shall take up remove or alter the position or level of the whole or part of any electric line main service line distributing main box or other electric apparatus then previously laid down made or constructed by the said company at their own cost in any of the streets comprised in the improvement and works aforesaid under the provisions or powers of or conferred by the Electric Lighting Acts 1882 and 1888 and the said Order respectively or that the said company shall lay down make or construct some other electric line main service line distributing main box or other electric apparatus in lieu thereof or of any part thereof or in addition thereto then and in every such case all reasonable costs and expenses which shall be incurred by the said company within the twelve years mentioned in section twelve of this Act of and incident to wholly or partially taking up removing or altering the position or level of any and every such electric line main service line distributing main box or other electric apparatus which it shall be necessary or desirable as aforesaid in whole or in part to take up remove or alter the position or level of and of and incident to the laying down making and constructing any and every electric line main service line distributing main box or other electric apparatus which it shall be necessary or desirable as aforesaid to lay down make or construct in lieu thereof or of any part thereof or in addition thereto within the

For protec-
tion of
Sheffield
Electric
Light and
Power
Company.

A.D. 1893. — improvement area aforesaid shall be paid by the Corporation to the said company three months after demand and the Corporation shall also make reasonable compensation to the said company for any damage caused by or consequent upon such taking up removal or alteration or the making or construction of any and every substituted or additional electric line main service line distributing main box or other electric apparatus as is herein-before indicated :

For the purpose of taking up removing or altering the position or level of the whole or any part of any electric line main service line distributing main box or other electric apparatus which it may be necessary or desirable as aforesaid to take up remove or alter the position or level of or of making and constructing any such substituted or additional works as aforesaid it shall be lawful for the said company to exercise all or any of the powers and authorities conferred on them by the Electric Lighting Acts 1882 and 1888 and the Sheffield Electric Lighting Order 1892 respectively but subject to the provisions of the same Acts and Order respectively and notwithstanding the provisions of section eleven of this Act the said company and their officers workmen and agents shall at all times have access to all streets within the before-mentioned area for the exercise of the authorities and powers conferred upon the said company by the Electric Lighting Acts 1882 and 1888 and the said Order respectively :

If any dispute or difference shall arise between the Corporation and the said company as to the necessity or desirability of any such taking up removal alteration or substituted or additional works as aforesaid or as to the amount of any costs expenses or compensation to be paid by the Corporation to the said company every such dispute or difference shall be referred to two arbitrators or their umpire pursuant to and so as with regard to the mode and consequences of the reference and in all other respects to conform to the provisions in that behalf contained in the Arbitration Act 1889.

Temporary
stoppage of
streets.

11. The Corporation may during the execution and for the purposes of the improvement by this Act authorized from time to time stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time.

Period for
completion
of works.

12. If the improvement by this Act authorised shall not be completed within twelve years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the said improvement shall cease except as to so much thereof as is then completed.

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13. If any omission or mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the Corporation may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the West Riding of the county of York and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on and take hold and use those lands accordingly.

Correction
of errors
omissions
&c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power of
persons
under
disability
to grant
easements.

15. The powers for compulsory purchase of lands conferred by this Act shall cease after the expiration of five years from the passing of this Act.

Period for
compulsory
purchase of
lands.

16. The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

A.D. 1893. except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Corporation may sell exchange or lease lands not required.

17. The Corporation from time to time if and when they think fit may sell or exchange and absolutely dispose of or otherwise at their option demise or grant upon building or other leases for such estate term or interest and to such persons and on such terms and conditions as the Corporation think fit all or any part of the lands acquired by them under this Act and not required for the purposes of this Act Any purchase-money received on any sale of lands or other property in the nature of capital acquired or sold under this Act and any money received as a fine on the granting of any lease of any such lands by the Corporation shall be distinguished as capital in the accounts of the Corporation and applied in discharge of any moneys borrowed under this Act but shall not be applicable to the payment of instalments or to payments into any sinking fund except to such extent and on such terms as may be approved by the Local Government Board Provided that any borrowed moneys so paid off or discharged shall not be re-borrowed.

Land laid into streets to form part thereof.

18. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Borrowing Powers.

Power to borrow.

19. The Corporation with the consent of the Local Government Board may raise any sum or sums required by them for the purposes of this Act either by the creation and issue of Sheffield Corporation Redeemable Stock or by mortgage of the district fund and general district rate and the provisions of sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 shall apply to all mortgages granted under this Act:

In calculating the sums which the Corporation may borrow under the provisions of any enactment any sums borrowed under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Acts.

Discharge of moneys borrowed.

20. All moneys borrowed by the Corporation under this Act shall be discharged within such period as may be prescribed by the

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Local Government Board and any such moneys borrowed on mortgage shall be discharged by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund created invested and applied in manner provided by the Local Loans Act 1875 and section fifteen of that Act shall apply accordingly and is hereby incorporated with this Act Provided that nothing in this section shall authorise the Corporation to invest any moneys in their own securities.

21. All moneys borrowed by the Corporation under this part of this Act shall be applied only for the purposes for which the same shall have been borrowed and to which capital is properly applicable. Application of moneys borrowed.

22. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall for the purpose of repayment be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. Power to re-borrow.

23. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof. Protection of lenders from inquiry.

24. The town clerk of the city shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any

A.D. 1893. wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner :

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Audit of accounts.

25. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Acts.

Costs of Local Government Board.

26. All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

Costs of Act.

27. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons (including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid) shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed on the security of that fund and rate.

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