

**CHAPTER cclv.**

An Act to confer further powers on the lord mayor aldermen and citizens of the city of Sheffield with respect to their water undertaking and their electrical undertaking to authorise the execution of various street widenings and other works in the city to consolidate into one township certain townships in the city to make further and better provision for the improvement health and good government of the city and for other purposes. A.D. 1903.

[14th August 1903.]

WHEREAS the city of Sheffield (in this Act called "the city") is a county borough under the government for municipal sanitary and other purposes of the lord mayor aldermen and citizens acting by the council (in this Act called "the Corporation"):

And whereas the Derwent Valley Water Board (in this Act sometimes referred to as "the board") were constituted by the Derwent Valley Water Act 1899 (in this Act called "the Derwent Act 1899") and were empowered and required (among other things) to supply a certain quantity of water in bulk to the Corporation:

And whereas by the same Act (section 169) the Corporation were empowered to construct an aqueduct conduit or line of pipes (Work No. 2) and tunnel for the purpose of conveying the water so supplied into the mains or pipes of the Corporation:

And whereas by the Derwent Valley Water Act 1901 the board were authorised to raise the level of the Derwent Reservoir whence water is to be supplied to the Corporation and it will consequently be possible to deliver such water into the mains or pipes of the Corporation at a higher level than was originally contemplated:

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And whereas the delivery of the water at such higher level will be of great advantage to the city and it is therefore expedient to authorise the Corporation to abandon the construction of the Work No. 2 above mentioned and to construct in lieu thereof the aqueduct conduit or line of pipes in this Act described and it is also expedient in connection therewith to authorise the Corporation to contribute to the expenses incurred by the board for the purpose of delivering the water at such higher level as aforesaid :

And whereas it is expedient to make new provisions respecting the water undertaking of the Corporation :

And whereas the Corporation are the owners of an extensive system of tramways and it is expedient to authorise the construction of a tunnel for the conveyance of electric cables used in the working of such tramways :

And whereas it is expedient to confer on the Corporation further powers in relation to their electrical undertaking :

And whereas it would be of public and local advantage to authorise the Corporation to execute the widenings and street improvements in this Act described :

And whereas it would be of public and local advantage to consolidate the townships of Ecclesall Bierlow Upper Hallam Nether Hallam and the parishes of Heeley and Norton Within into a single township to be called the township of Ecclesall :

And whereas it is expedient to make further provisions relating to infectious diseases offensive trades the removal of refuse new streets and other matters :

And whereas it is expedient to provide for the establishment in the city of an assay office for gold plate and other articles :

And whereas it is expedient to authorise the Corporation to contribute to the expense of the Sheffield Corps of the Saint John Ambulance Brigade :

And whereas estimates have been prepared by the Corporation showing that they will or may require to borrow for the following purposes of this Act (including the acquisition of lands) the sums following (that is to say) :—

For street widenings tunnel and works - - £19,826

For the purposes of section 49 of the Sheffield

Corporation Water Act 1896 - - £489,108

and it is expedient that the Corporation be authorised to borrow the said sums and also such other sums as are in this Act mentioned :

And whereas plans and sections of the street widenings and other works authorised by this Act and plans showing the lands

which the Corporation may acquire under the powers of this Act with books of reference to such plans have been deposited with the clerk of the peace for the west riding of the county of York and with the clerk of the peace for the county of Derby (which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference):

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

And whereas an absolute majority of the whole number of the council of the city of Sheffield at a meeting held on the seventeenth day of December one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Sheffield Daily Telegraph a local newspaper published and circulating in the city 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 be charged on the borough fund and borough rate or at the option of the council on the district fund and general district rate or partly on the one and partly on the other of such respective funds and rates:

And whereas such resolution was published twice in the Sheffield Daily Telegraph a newspaper published and circulating in the city 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 in pursuance of a similar notice on the fourteenth day of January one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Sheffield Corporation Act Short title. 1903.

A.D. 1903.
—
Act divided
into Parts.

2. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Tunnel &c.
- Part IV.—Electricity.
- Part V.—Street Widening.
- Part VI.—Consolidation of Townships.
- Part VII.—Sanitary Regulations.
- Part VIII.—New Streets &c.
- Part IX.—Assay of Gold Plate.
- Part X.—Lands.
- Part XI.—Financial.
- Part XII.—Miscellaneous.

Incorporation of
general Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are not varied by or inconsistent with this Act are incorporated with and form part of this Act.

PART II.

WATER.

Power to
construct
works.

4. Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto the works hereinafter described (that is to say):—

Work Number 1 An aqueduct conduit or line of pipes and tunnel commencing in the county of Derby in the enclosures numbered 8 and 20 on the Derbyshire Ordnance map (1898) No. VII. 15 in the parish of Bamford and terminating in the west riding of the county of York in the parish of Bradfield by a junction with the existing pipes of the Corporation immediately to the east of the embankment of the Rivelin Lower Reservoir:

Work Number 2 A new road situate wholly in the parishes of Hathersage and Outseats in the county of Derby commencing in the parish of Hathersage at a point in the highway leading from Sheffield to Manchester at its junction with Heathy Lane and terminating in the parish of Outseats at a point four hundred yards or thereabouts south of Stanage End:

Together with all necessary and proper bridges roads gauges filters filter-beds dams sluices weirs outlets overflows washouts aqueducts

cuts channels conduits drains mains pipes junctions valves buildings and other works and conveniences. A.D. 1903.

The Corporation shall provide erect set up and maintain temporary huts or other buildings necessary for the accommodation of any servants or workmen employed by the Corporation or their contractors in the execution of the works to be constructed under this Part of this Act and the same shall be such as the medical officer of health for the city shall approve :

Provided that the powers by this section granted to the Corporation to provide erect set up and maintain temporary huts and other buildings shall on the completion of the works hereinbefore described cease and determine.

5. The provisions of Part XIII. (Special provisions relating to Sheffield Corporation) of the Derwent Act 1899 shall apply to the works authorised by this Part of this Act and to the borrowing and repayment of money for such works as if they had been authorised by that Part of that Act and as if the plans and sections deposited for the purposes of this Act were referred to in section 170 of the said Act instead of the Sheffield plans and sections therein mentioned. Application of Part XIII. of Derwent Act 1899.

6. The Corporation may and shall abandon the construction of the work authorised by section 169 of the Derwent Act 1899. Abandonment of work authorised by section 169 of Derwent Act 1899.

7. The abandonment by the Corporation under the authority of this Act of the work hereinbefore authorised to be abandoned shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845. Compensation for damage to land by entry &c. for purposes of work abandoned.

8. Where before the passing of this Act any contract has been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to the work authorised to be abandoned by this Act the Corporation shall (if the Corporation so desire) be released from all liability to purchase or to complete the purchase of any such land (so far as such Compensation to be made in respect of work abandoned.

A.D. 1903.

land is not required for the purpose of the works by this Act authorised) but notwithstanding full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Application of provisions of section 85 of Derwent Act 1899.

9. The expenditure incurred by the board for the purposes of this Part of this Act shall be borne and contributed in accordance with the provisions of section 85 of the Derwent Act 1899.

Power of Corporation and Derwent Water Board to enter into agreements.

10. The Corporation and the board may enter into and carry into effect agreements with respect to the execution of any work authorised by the Derwent Valley Water Acts 1899 and 1901 or either of them and being a work by means of which it is proposed to afford any supply of water to the Corporation and any such agreement may contain provisions as to the payments to be made and generally as to the mode terms and conditions of the execution of any such work.

Power to acquire easements and to establish observatories.

11. The Corporation may for the purpose of taking levels enter on and acquire easements in or over or upon any lands situate above the line of any aqueduct tunnel or other work which the Corporation are authorised to construct under the Derwent Act 1899 or this Act and may on any such lands establish and maintain any such station or observatory as they may deem necessary for the purpose of the execution by them of the enactments relating to their water undertaking :

Provided always that on the completion of the aqueduct tunnel or other work in this section referred to the powers by this section conferred upon the Corporation shall cease and determine.

Charge for portion of premises occupied by caretaker.

12. Where a portion of any premises which are used as offices warehouses or for purposes of business is occupied by a resident caretaker the Corporation may charge for a supply of water to such portion as if the same were a separate tenement receiving a supply for domestic purposes from the Corporation and in that case the Corporation shall fairly apportion the rental value of the premises between the portion thereof used as offices warehouses or for purposes of business and the residue of the premises and shall charge for the supply in accordance with the apportionment made as aforesaid.

13. The Corporation may if they see fit contribute a sum not exceeding one third of the reasonable cost incurred by an owner in removing any stand-pipe used for the supply of any house or houses in a court or elsewhere and of substituting a separate supply to each of the houses previously supplied by means of such stand-pipes. Any expenses incurred by the Corporation under this section shall be defrayed out of the revenue of the water undertaking of the Corporation.

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Power to remove stand-pipes.

14. Section 49 (Power of Sheffield Corporation to borrow) of the Sheffield Corporation Waterworks Act 1896 shall be read and have effect as if the sum of one million two hundred and eighty-nine thousand one hundred and eight pounds had been therein inserted instead of the sum of eight hundred thousand pounds.

Further power to borrow for Little Don Valley and other waterworks purposes.

PART III.

TUNNEL &C.

15. For the purposes of conveying their electric cables the Corporation may construct the tunnel hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections (that is to say) :—

Tunnel for conveyance of electric cables.

A tunnel situate wholly in the city and commencing at the existing generating station at Kelham Island and terminating in Alma Street at or near its junction with Green Lane.

In the construction of the said tunnel the Corporation may deviate vertically from the deposited sections to any extent not exceeding five feet upwards or downwards.

16. For the purpose of preventing obstruction to traffic in the streets of the city and for avoiding danger and annoyance to passengers desirous of travelling on the Corporation tramways the Corporation may insist upon the queue system being adopted by persons entering the tramcars at any of the recognised stopping places or termini on the said tramways and may make (subject to the provisions of the Tramways Act 1870 with respect to byelaws) such byelaws as may be necessary to compel all such persons to comply with the said system or any other system which the Corporation may deem proper for the purpose.

Power to enforce queue system on tramways.

PART IV.

ELECTRICITY.

17. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to

As to supply of electricity where consumer has

A.D. 1903.
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 separate
 supply.

premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person.

In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of the minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

As to elec-
 tric fittings.

18.—(1) The Corporation may purchase and may supply sell and let for hire but shall not manufacture electric motors apparatus and things for cooking heating and ventilating and for motive power and may provide materials and do all work necessary and proper for the fixing setting up connecting with supply mains alteration repair or removal thereof and may take such remuneration in money or such rents or charges for and make such terms and conditions with respect to such supply sale letting or use setting up altering or repairing or removal and for securing the safety and return to the Corporation of such motors apparatus and things let as may be agreed upon between the Corporation and the persons to or for whom the same are sold supplied fixed or set up.

(2) Any motors apparatus and things as aforesaid let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such motors apparatus and things have upon them respectively a distinguishing metal plate fixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(3) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(4) Any moneys received by the Corporation under this section shall be applied in manner provided by article 61 paragraph A of the Sheffield Electric Lighting Order 1892. A.D. 1903.
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PART V.

STREET WIDENINGS.

19. 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 widenings and works hereinafter described with all necessary or convenient approaches. Power to
execute
street im-
provements.

The street widenings, and works authorised by this Part of this Act are as follows:—

- (1) A widening of Infirmary Road on the north-east side thereof commencing at the south-east side of St. Philip's Road and terminating at the north-west side of Henry Street:
- (2) A widening of Infirmary Road on the south-west side thereof commencing at the south-east side of Watery Street and terminating at the north-west side of Henry Street:
- (3) A widening of Infirmary Road on the south-west side thereof commencing at the south-east side of Cleveland Place and terminating at the north-west side of Portland Street:
- (4) A widening of Penistone Road on the south-west side thereof commencing at the south-east side of St. Philip's Road and terminating at the north-west side of Henry Street:
- (5) A widening of Upwell Street on the south-west side thereof commencing at the south-east side of Chambers Lane and terminating at the west side of Carlisle Street East:
- (6) A widening of Langsett Road on the west side thereof commencing at the south side of Queen Anne Street and terminating at the north side of Burgoyne Road:
- (7) A new path or footway near the town hall in substitution for the portion of Cheney Row which is to be stopped up under this Act.

20. In the execution of the said street widenings and works the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding two feet. Power to
deviate.

A.D. 1903.
Period for
completion
of works.

21. If the street widenings and works by this Part of this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same shall cease except as to so much thereof as shall be then completed.

Application
of certain
provisions
of Sheffield
(Street
Widenings)
Act 1893.

22. The Corporation shall have for the execution of the street widenings and works by this Act authorised all such rights and powers as were conferred on them by the Sheffield Corporation (Street Widenings) Act 1893 for the execution of the improvement authorised by that Act and the following sections of that Act shall accordingly apply for the purposes of this Act as if they were herein re-enacted (that is to say):—

- Section 7 (Power to make subsidiary works);
- Section 8 (Alteration of position of mains and pipes);
- Section 9 (Alteration of position of overhead wires &c.);
- Section 11 (Temporary stoppage of streets);
- Section 18 (Land laid into streets to form part thereof).

Power to
stop up a
portion of
Cheney Row.

23. The Corporation may as soon as the new path or footway near the town hall is constructed and dedicated to the public stop up and discontinue as a public footway so much of the footway known as Cheney Row as extends one hundred and thirty feet westwardly from Norfolk Street and thereupon the site and soil of that footway where stopped up and discontinued shall become vested in the Corporation and all public or other rights of way (if any) over the same shall be extinguished.

Improve-
ment of Saint
Philip's
Churchyard.

24. The Corporation may with the consent of the vicar and churchwardens of Saint Philip's Church lay out and maintain so much of Saint Philip's Churchyard as is not taken for the purposes of this Act as a place of public enjoyment and recreation and for that purpose shall have and may exercise in relation thereto all the powers (including the powers of making byelaws) which under any public Act or any local Act or Order in force in the city they have or can exercise in relation to any park garden or place of public resort or recreation. Provided that no meeting lecture public address band of music exhibition or noisy game shall be allowed in the churchyard.

As to inter-
ference with
burial
grounds.

25.—(1) Nothing in this Act shall authorise the Corporation to interfere with or excavate the burial grounds of Saint Philip's Church and Saint Paul's Church save so much of Saint Philip's burial ground as is by this Act authorised to be acquired or used for the widening and improvement of Infirmary Road and Penistone Road and also save so much of Saint Paul's burial ground as is by

this Act authorised to be acquired for the extension of the town hall or used for the new footpath. A.D. 1903.

(2) Before applying or using any part of the burial grounds of Saint Philip's Church and Saint Paul's Church for any of the purposes of this Act the Corporation shall remove or cause to be removed the remains of all deceased persons interred in such part.

(3) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (4) (5) (6) (7) and (8) of this section.

(4) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in such parts of the said burial grounds as are by this Act authorised to be acquired may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the archbishop of the diocese of York to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place.

(5) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of York who shall have power to make an order specifying who shall remove the remains.

(6) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(7) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the person giving the same shall fail to comply with the provisions of this section and with any regulation of the archbishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in

A.D. 1903. such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the archbishop.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of reinterment of such remains or at such place within the city as the archbishop may direct on the application if any of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation.

(9) The removal of the remains of any deceased person under this section shall be carried out under the superintendence and to the satisfaction of the medical officer of health of the city.

(10) In executing the widening of Infirmery Road and Penistone Road and in the construction of the new footpath above described by the taking of parts of the burial grounds aforesaid the Corporation shall mark out the present boundary of each of the burial grounds in a permanent manner with stones and brass letters let into the road or footpath and at all times hereafter maintain the same stones and letters and shall construct and build a proper fence wall with ornamental and appropriate iron palisades to separate the remaining part of each of the burial grounds from the portions acquired under this Act the Corporation for this purpose being entitled to use the materials of the present walls in each case so far as they may be suitable for such purpose.

(11) The freehold of and in the soil of that part of the burial ground of Saint Philip's Church which is authorised by this Act to be added to Infirmery Road and Penistone Road and used in the construction of the said new footpath shall remain vested in the vicar for the time being of Saint Philip's Church and except as by this Act otherwise expressly enacted nothing in this Act contained shall prejudice or interfere with the rights interests and privileges of the vicar or of the vicar and churchwardens respectively of Saint Philip's Church of in and to the burial ground or any part or parts thereof respectively or the rights privileges or easements which any person immediately before the passing of this Act had or his heirs or personal representatives may hereafter have in respect of any vault grave tomb tombstone or monument in the burial ground of Saint Philip's Church or any part thereof.

(12) Subject to the provisions of this Act and to the rights privileges and easements by this Act expressly reserved the land authorised by this Act to be added to Infirmery Road and Penistone Road and used in the construction of the said new footpath shall

for all intents and purposes be deemed to be part of a street within the meaning of the Public Health Act 1875 and subject as aforesaid the Corporation shall have and exercise all such rights powers and privileges with respect thereto as they have and can exercise with respect to other streets in the city.

A.D. 1903.

(13) The foregoing provisions of this section shall so far as they are applicable extend and apply to so much of the burial grounds belonging to Carver Street Wesleyan Methodist Chapel situate in West Street in the city as has been recently acquired by the Corporation for the purpose of the widening of West Street in the same manner as though the burial grounds belonging to the Carver Street Wesleyan Methodist Chapel and West Street had been specifically mentioned therein but with and subject to the following variations and additions (that is to say):—

- (A) The remains of any deceased person or persons interred in the said burial grounds which may be disturbed shall be reinterred in another part of the said burial grounds or in any other burial ground wherein burials may legally take place but such reinterment shall in no way be subject to the regulations of the archbishop of the diocese of York referred to in subsection (4) of this section and any question which may arise under subsection (5) of this section shall be determined by the registrar of the Sheffield county court:
- (B) Subsection (6) of this section shall not apply to this subsection and in lieu thereof it is hereby provided that the expense of such removal and reinterment (not exceeding ten pounds in the case of the remains of each person so removed) shall be defrayed by the Corporation:
- (C) Subsections (4) and (5) of this section shall be read and construed as if the words "heir executor administrator or relative or friend" had been inserted in place of "heir executor administrator or relative":
- (D) The Corporation shall make good to the reasonable satisfaction of the surveyor for the time being of the trustees of the said chapel all damage to any grave or vault caused by such interference therewith as is hereby authorised and shall carry out the whole of the work required to be done in and about the premises to the reasonable satisfaction of such surveyor as aforesaid:
- (E) The fence wall and palisades to be erected by the Corporation shall be of a character equal to the wall and palisades now existing:

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- (F) All monuments and tombstones removed under this section shall be re-erected at the place of reinterment of the remains or at such place within the city as the registrar of the Sheffield county court may direct on the application (if any) of such heir executor administrator or relative or friend as aforesaid or failing such application shall be deposited in some convenient part of the said burial grounds to be appointed for that purpose by the trustees for the time being of the said chapel :
- (G) The Corporation shall not nor shall any other body company or person with their consent or permission make or cause or lay or suffer to be made or laid any drain sewer pipe or other underground works passage or apparatus other than and except one street grate to be placed on the edge of the kerb of the new footpath in West Street at a place agreed with the said trustees and drain pipes connecting the same with the sewer in West Street and except also electric cables in connection with the tramway and electric light undertakings of the Corporation (which cables shall not be laid at a greater depth than twenty-four inches below the level of West Street aforesaid) in through or under the portions of the said burial grounds intended to be added to West Street or any part thereof :
- (H) The portion of the said burial grounds so acquired by the Corporation as aforesaid shall not be used as a stand for cabs lavatory urinal or watercloset for public or private use but the same shall be used as part of the footpath or carriageway of West Street and for no other purpose :
- (I) Subsection (11) of this section shall be read and construed as if the words "freeholder for the time being of the said chapel and premises or the trustees of the Carver Street Wesleyan Methodist Chapel" had been inserted therein in place of "the vicar for the time being of Saint Philip's Church" or of "the vicar and churchwardens respectively thereof."

PART VI.

CONSOLIDATION OF TOWNSHIPS.

Consolidation of townships.

26.—(1) From and after the thirty-first day of March one thousand nine hundred and four the townships of Ecclesall Bierlow and Upper Hallam and Nether Hallam and the parishes of Heeley and Norton Within shall be consolidated and form one township

for all civil purposes to be known as the township of Ecclesall and to be within the Ecclesall Bierlow Union :

A.D. 1903.

Provided that nothing in this Part of this Act shall be construed as giving any sanction express or implied to any amalgamation of the poor law unions of Ecclesall Bierlow and Sheffield.

(2) From and after the thirty-first day of March one thousand nine hundred and four the office of every overseer assistant overseer vestry clerk and collector of poor rates in and for any township which is by this Act included in the township of Ecclesall shall be vacated and determined.

(3) From and after the thirty-first day of March one thousand nine hundred and four the power of any authority or person to appoint an overseer assistant overseer vestry clerk and collector of poor rates for any township which is by this Act included in the township of Ecclesall shall cease and determine and the following provisions shall apply :—

(A) On the thirty-first day of March in any year or within fourteen days thereafter and within fourteen days of any vacancy in the office of overseer or within such extended period as the Local Government Board may in either of such cases allow the council shall appoint as overseers of the poor of the new township of Ecclesall seven persons duly qualified for such appointment :

(B) The Corporation shall take into their service or employment the assistant overseers vestry clerks and collectors employed by any guardians or overseers in the execution of any office within any part of the area forming the new township of Ecclesall and who shall so consent to be so taken over and such officers shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not been passed (except that the consent of the Local Government Board shall no longer be required to the removal of any such officer or servant) and shall receive not less salaries or remuneration and be entitled to not less pensions (if any) than they would have been if this Act had not been passed :

(C) Subject as aforesaid the council shall as often as need be appoint the assistant overseer or a vestry clerk for the new township of Ecclesall and determine and specify the duties to be by him executed and performed and fix the remuneration to be paid to him out of the poor rate or out of such other rate or fund as the council may think fit :

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(D) Subject to the foregoing provisions the provisions of the general law with respect to overseers assistant overseers and vestry clerks shall apply.

(4) All arrears of rates due on the thirty-first day of March one thousand nine hundred and four in respect of any hereditament by this Act included in the township of Ecclesall shall be due and payable to and may be collected or recovered by the overseers of the township of Ecclesall appointed under this Act in like manner as they could have been collected or recovered by the overseers of the township or parish in which such hereditament was previously situate.

(5) Any sums of money which on the said thirty-first day of March were in the hands of the overseers of the townships of Ecclesall Bierlow and Upper Hallam and Nether Hallam and the parishes of Heeley and Norton Within on account of any rates levied in such townships or parishes shall be duly accounted for by them and paid over to the overseers of the township of Ecclesall appointed under this Act and all sums of money which on the said thirty-first day of March were due to the overseers of any such parish or township in respect of any parish or township by this Act included in the township of Ecclesall shall be paid to and be recoverable by the overseers of the township of Ecclesall appointed under this Act and all debts and liabilities of any of the overseers of any such parish or township incurred in respect of any parish or township by this Act included in the township of Ecclesall in connection with their duties as overseers shall be a charge upon and be defrayed out of the rates leviable by the overseers of the township of Ecclesall appointed under this Act.

Transfer of
property of
authorities to
Corporation.

27.—(1) All property real or personal including things in action which immediately before the commencement of this Part of this Act belonged to or were vested in the inhabitants of the townships of Ecclesall Bierlow and Upper Hallam and Nether Hallam and the parishes of Heeley and Norton Within or in any persons on behalf of or in trust for the inhabitants of any of such townships shall be by virtue of this Act vested in the Corporation to the same extent and for the same estate and interests as the same respectively were immediately before the commencement of this Part of this Act vested in such inhabitants or persons respectively.

(2) Nothing in this Act shall be deemed to vary or affect the rights privileges benefits or advantages of the inhabitants of any of the parishes or townships included or portions of which are included

by this Act in the township of Ecclesall with reference to any charities for the benefit of such parish or township : A.D. 1903.

Provided that the rights privileges and powers of the overseers of the poor of any of the parishes or townships included or of which portions are included by this Act in the township of Ecclesall with regard to charities shall so far as such rights privileges and powers relate to parishes or townships or portions of parishes or townships by this Act included in the township of Ecclesall be vested in and exercised by such of the overseers of the poor appointed under this Act for the township of Ecclesall as shall be appointed from inhabitants of or councillors elected for any ward within such parishes or townships or portions of parishes or townships :

Provided also that nothing in this Act shall be construed to prejudice or affect the jurisdiction of the Charity Commissioners for England and Wales with regard to such charities as aforesaid or the trusteeship thereof.

28. The contributions which have been made by any such officer as aforesaid for the purposes of the Poor Law Officers' Superannuation Act 1896 shall be transferred by the guardians who receive them to the Corporation and the said Act shall apply to such officers and to the Corporation in relation to them as nearly as may be as if the Corporation were guardians and their funds were the common fund of a union. As to contributions for purposes of Superannuation Act.

29.—(1) Any assistant overseer vestry clerk or collector of poor rates of or for any township or parish by this Act made part of the township of Ecclesall who was in office before the passing of this Act and shall be in office on the thirty-first day of March one thousand nine hundred and four and who does not consent to be taken over by the Corporation or for whom no equivalent office shall be found by the guardians of the poor for the Ecclesall Bierlow Union shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall with the necessary modifications and with the substitution of the Local Government Board for the Treasury apply accordingly. Compensation to existing officers.

(2) Such compensation may at the option of the Corporation be by way of annuity or by payment of a sum in gross and shall be paid by the Corporation out of the borough fund or out of moneys borrowed under this Act.

(3) This section shall apply to any assistant overseer vestry clerk or collector of poor rates of or for any township or part of a

A.D. 1903.

township which was by section sixty (Consolidation of townships in extended city) of the Sheffield Corporation Act 1900 made part of the township of Sheffield who was in such office before the passing of that Act and continued to be in such office until the thirty-first day of March one thousand nine hundred and two.

(4) Any officer to whom compensation may be awarded under the provisions of this section shall not be deemed to have become entitled to a superannuation allowance under section 2 of the Poor Law Officers' Superannuation Act 1896 in respect of the same loss.

Notwithstanding anything contained in this section the Corporation shall pay to Archie Franklin Ball the vestry clerk for the township of Ecclesall Bierlow as compensation for the loss of that office an annuity during the remainder of his life of three hundred pounds as from the thirty-first day of March one thousand nine hundred and four such annuity to be paid half-yearly on the first day of April and the first day of October in every year and to be paid out of the borough fund.

Settlement
and irremovability
of
paupers.

30. Every person who shall on or before the thirty-first day of March one thousand nine hundred and four have acquired a settlement in any existing township or parish included by this Part of this Act in the new township of Ecclesall shall be deemed to have acquired a settlement in the said new township of Ecclesall and every person who shall have acquired a status of irremovability from any such existing township or parish as aforesaid shall be deemed to have acquired a status of irremovability from the said new township of Ecclesall constituted by this Act.

For all purposes of settlement and irremovability residence in any existing parish included by this Act in the new township of Ecclesall shall be deemed to have been residence in the said new township.

Books deeds
minutes &c.

31. All rate books books of account minutes of proceedings deeds papers and writings relating exclusively to any township or parish by this Act included in the new township of Ecclesall at present in the custody of the overseers shall be deposited in the town hall at Sheffield or at some office or place appointed by the Corporation and the Corporation shall give such directions for their future custody and preservation as they may see fit.

As to Par-
liamentary
electors.

32. Notwithstanding anything hereinbefore contained the register of persons entitled to vote at Parliamentary elections for the city shall be deemed to be the register of Parliamentary electors entitled to vote as aforesaid for the city until a new

register shall have been prepared according to law and shall have come into force. A.D. 1903.

33. All valuation lists in relation to hereditaments and premises in the townships or parishes by this Act made part of the new township of Ecclesall and in force on the thirty-first day of March one thousand nine hundred and four shall until new valuation lists are made be and be deemed to be part of the valuation lists for the new township of Ecclesall constituted by this Act. As to valuation lists.

34.—(1) A joint committee of the Corporation and the county council of the administrative county of Derby shall by an order or orders which they are hereby empowered to make for the purposes of this Act make provisions for the division of the new township of Ecclesall into wards for poor law purposes which wards shall be so far as practicable co-terminous with the new wards fixed under the provisions of the Sheffield Corporation Act 1900 for municipal purposes and shall also fix the number of guardians for each ward. Provisions as to guardians.

(2) The said joint committee shall also by an order or orders to be made as aforesaid as far as practicable apportion the existing guardians of the townships of Ecclesall Bierlow and Upper Hallam and Nether Hallam and the parishes of Heeley and Norton Within among the new wards for poor law purposes so as to provide for each guardian continuing to represent as large a number as possible of his former constituents and every such guardian shall hold his office in the ward to which he shall be so assigned for the same period as he would have held such office if the existing townships and parishes had not been consolidated.

35. Any power by this Part of this Act conferred on the said joint committee or the Local Government Board may be exercised and any proceedings (including the giving of any notice preliminary to the election of guardians) may be taken before the thirty-first day of March one thousand nine hundred and four and it shall be the duty of the clerk to the guardians of any union affected and of all other persons to take proceedings so as to conform to the provisions of this Part of this Act. Provisions in case of first election.

36. For the protection of the overseers of the poor of the parish of Norton Within (in this section referred to as "the overseers") the following provisions shall apply and have effect:—
(1) As from the passing of this Act and during the period then remaining of the term of fifteen years referred to in For protection of overseers of poor of parish of Norton Within.

A.D. 1903.

section 41 of the Sheffield Corporation Act 1900 there shall be deducted from the total amount of the general district rate and other local rates as defined in that section and leviable in the drainage area therein specified an amount of twopence in the pound in addition to the reduction to which such rates are subject at the passing of this Act :

- (2) The Corporation shall during the aforesaid period appoint one of the overseers of the poor for the township of Ecclesall from among the councillors of the Heeley Ward of the city which ward includes that portion of the said township which previous to the passing of this Act formed the parish of Norton Within.

Saving powers of Local Government Board.

37. Nothing in this Act shall take away or abridge any powers of the Local Government Board under the general law and for the purpose of removing any doubt or difficulty which may arise under the provisions of this Part of this Act the Local Government Board may make such order or orders as to them may seem fit.

PART VII.

SANITARY REGULATIONS.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

38.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 31 of the Sheffield Corporation Act 1890 is hereby repealed.

(3) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the city.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

39. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds :

A.D. 1903.
Improper
construction
or repair of
watercloset
or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

40. The Corporation may by notice in writing to the owner or occupier of any premises within a reasonable time to be specified in such notice not being less than one month require the substitution of an ashpit with movable ashbin for any fixed ashpit in connection with a watercloset system. If the Corporation so require the substitution of an ashpit with movable ashbin for such fixed ashpit the owner may by notice in writing require the Corporation to do all necessary work including the provision of a movable ashbin and the Corporation shall thereupon do all things necessary for those purposes and shall themselves bear the whole cost of such work. Nothing however in this section shall interfere with or prevent the owner from doing the necessary work and the Corporation shall then pay to the owner an amount equal to what they themselves would have had to pay if they had done the work.

As to re-
movable ash-
bins.

If the owner makes default in complying with such notice the Corporation may do the necessary work at their own expense in the same manner as if the owner had given notice to the Corporation requiring them to do the work.

41. For the purposes of section one hundred and twelve of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly but also if it is removed from one set of premises to other premises or if it is renewed on the same premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or

Defining
establish-
ment of a
new business
for purposes
of section 11
of Public
Health Act
1875.

A.D. 1903. manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

For prevention of infection arising from sale of oysters &c.

42. In case the medical officer of health of the city is in possession of evidence that any person in the city is suffering from infectious disease attributable to oysters or other shell fish brought from any particular oyster bed or place and sold within the city or that the consumption of oysters or other shell fish brought from any particular oyster bed or place and sold within the city is likely to cause infectious disease to any person residing in the city he shall report thereon to the Corporation and the Corporation may thereupon give notice to the vendor to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to sell oysters or other shell fish brought from the oyster bed or place or places mentioned in the notice until such order has been withdrawn by the Corporation and if in the opinion of the Corporation he fails to show such cause then the Corporation may make such order as aforesaid and shall forthwith give notice of the facts to the Local Government Board.

An order made by the Corporation under this section shall be forthwith withdrawn on the Corporation or the medical officer of health on their behalf being satisfied that the cause of infection has been removed.

Any person selling any oysters or other shell fish within the city in contravention of an order under this section shall be liable to a penalty not exceeding five pounds Provided that no vendor of oysters or other shell fish shall be liable to an action for breach of contract if the breach be due to an order of the Corporation under this section.

Offences under this section may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the oyster bed is situate or the offence is committed and not otherwise.

Appeal.

43. A person on whom an order has been made under the last preceding section of this Act may appeal against such order or against the refusal of the Corporation to withdraw such order either to a petty sessional court having jurisdiction within the city or at his option to the Local Government Board who shall appoint an officer to hear such appeal Such officer shall fix a time and place

of hearing within the city and give notice thereof to the person on whom such order was made and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of an inspector of the Local Government Board under section 296 of the Public Health Act 1875.

The Local Government Board may at any stage require payment to them by the person on whom such order was made of such sum as they deem right to secure the payment of any costs incurred by the said board in the matter of the appeal.

The court or the Local Government Board as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Local Government Board as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the person on whom such order was made shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

The court or the Local Government Board may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the person on whom such order was made has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Local Government Board or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

44.—(1) The occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer of health or the deputy or assistant medical officer of health for the city at any time during

Penalty on withholding information from medical officer of health.

A.D. 1903. the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer of health or the deputy or assistant medical officer of health may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) "Occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Provisions
for notifica-
tion of tuber-
culosis of
lung.

45.—(1) (A) Every registered medical practitioner attending on or called in to visit any person within the city shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer of health a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution :

(B) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings :

(c) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution :

(d) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Corporation or as a guardian of a union situate wholly or partly in the city or in any municipal or parochial office.

(2) (A) Where the medical officer of health certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that

he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer of health within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation he fails to have the building or the part thereof disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer of health. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer of health :

A.D. 1903.
—

(B) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer authorised in that behalf who shall produce his authority in writing enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon :

(C) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(3) (A) The medical officer of health generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause the same to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty not exceeding five pounds :

(B) Such articles books things bedding and clothing shall be disinfected by the Corporation and shall be brought back and delivered to the owner free of charge.

(4) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (2) and (3) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be

A.D. 1903. recoverable in and in the case of dispute may be settled by a petty sessional court.

(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under this section.

(6) All expenses incurred by the Corporation in carrying into effect the provisions of this section shall be chargeable on the district fund and general district rate.

(7) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in the local newspapers and by handbills and shall give formal notice thereof by registered post to every medical practitioner in the city and any other registered medical practitioner known to be in practice in the city and otherwise in such manner as the Corporation think sufficient and this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

(8) The provisions of this section shall cease to be in force within the city at the expiration of seven years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

(9) The term "medical officer of health" in this section shall mean the medical officer of health for the time being of the city or any person duly authorised to act temporarily as medical officer of health for the city.

PART VIII.

NEW STREETS &c.

Further provisions as to new streets.

46.—When a road or lane within the city becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street being built on the Corporation may instead of requiring the owner of the land built on to widen such road or lane to a width of forty feet in accordance with the byelaws in force in the city require such owner to widen such road or lane so as to give a width of twenty feet from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the unbuilt-on side of such road or lane shall be built on the Corporation shall require the owner of such land to

complete the widening of such road or lane so as to give a complete width of forty feet in accordance with the byelaws of the Corporation. A.D. 1903.

PART IX.

ASSAY OF GOLD PLATE.

47. The city shall be a city for the assaying and marking of wrought gold plate in like manner as the city of Birmingham under the Birmingham Assay Office Act 1824 (hereinafter called "the Act of 1824"). Sheffield to be a city for assaying gold plate.

48. The guardians of the standard of wrought plate within the city appointed by virtue of an Act passed in the thirteenth year of the reign of His late Majesty King George the Third intituled "An Act for appointing wardens and assay masters for assaying wrought plate in the towns of Sheffield and Birmingham" and the Acts amending the same shall exercise and perform in the city in respect of wrought gold plate the same powers and duties be entitled to make the same charges and be subject to the same obligations and penalties as the guardians of the standard of wrought plate in Birmingham under the Act of 1824 are under that Act and the Acts amending the same or under any general Act now in force relating to the assaying of wrought gold plate authorised to exercise and perform and are authorised to make and are subject to in respect of wrought gold plate within the city of Birmingham. The peculiar or distinguishing mark to be used in respect of wrought gold plate assayed in the city of Sheffield shall be a York rose. Guardians of standard of wrought plate empowered to assay gold plate.
13 Geo. III.
c. 52.

PART X.

LANDS.

49. Subject to the provisions of this Act the Corporation may enter on take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference. Power to take lands.

50. The following sections of the Sheffield Corporation (Streets and Tramways) Act 1897 shall apply and have effect for the purposes of this Act as if they were herein mutatis mutandis re-enacted (that is to say):— Application of certain provisions of Act of 1897.

Section 14 (Correction of errors &c. in deposited plans and book of reference);

Section 17 (Power to persons under disability to grant easements &c.);

Section 19 (Corporation may sell exchange or lease lands not required).

A.D. 1903.
Owners
may be re-
quired to
sell parts
only of cer-
tain lands
and build-
ings.

51. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be

required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

A.D. 1903.

Restrictions
on displacing
persons of
labouring
class.

52.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of

the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty. A.D. 1903.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act Provided also that nothing in this section shall be held to affect or apply to any lands which shall prior to the passing of this Act have been given or sold to the Corporation by Henry Duke of Norfolk for the purpose of any public park recreation ground ornamental pleasure ground or other like public or non-remunerative purpose.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that board in relation to any inquiries

A.D. 1903. under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector.

(9) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others 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 of such persons who may be residing with them.

Application of section 146 of Act of 1900.

53. Section 146 (Power to appropriate lands for purposes of Act) of the Sheffield Corporation Act 1900 shall apply and have effect as if lands acquired under the Sheffield Order (No. 1) 1902 or this Act were lands acquired under the said Act of 1900.

Provision of shops on lands acquired under 53 & 54 Vict. c. 70.

54. The Corporation may upon any lands acquired by them under the provisions of the Housing of the Working Classes Act 1890 provide or cause to be provided buildings with all necessary accessories or conveniences for use as shops by way of addition to and if the circumstances so require or allow in connection with any accommodation which in accordance with a scheme confirmed or sanctioned under the said Act of 1890 or otherwise under that Act they are required or undertake to provide for persons of the working classes and the Corporation may borrow for the purposes of this section in like manner and subject to the like conditions as and for the purposes of Part III. of the Housing of the Working Classes Act 1890.

PART XI.

FINANCIAL.

Power to borrow.

55. The Corporation may from time to time in addition to any moneys which they are now authorised to borrow borrow at interest on the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums :—

(A) For payment of any compensation (being a sum in gross) to any authorities or officers under this Act on the security of the borough fund and borough rate the sums required for this purpose :

(B) For street widenings tunnel and improvements including the purchase of lands on the security of the district fund and general district rate or either of them any sum not exceeding nineteen thousand eight hundred and twenty-six pounds: A.D. 1903.

(c) For the payment of the costs charges and expenses of and incidental to obtaining this Act on the security of the district fund and general district rate the sums required for the purpose.

56. The following provisions of the Sheffield Corporation (Streets and Tramways) Act 1897 shall (subject to the provisions of this Act) apply in respect of moneys borrowed by the Corporation under this Act as if they were herein with any necessary modifications re-enacted (that is to say) :— Certain provisions of Act of 1897 extended to this Act.

Section 41 (Certain provisions of Sheffield Corporation Water Act 1896 extended to this Act);

Section 42 (As to mortgages of Corporation).

57. The amount of the annual sums payable to the Sheffield Corporation Consolidated Loans Fund or the Sheffield Consolidated Loans Fund No. 2 (as the case may be) towards the redemption or repayment of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem the stock created and issued for the respective purposes of this Act within the periods hereinafter prescribed from the time or respective times of issue of such stock (that is to say) :— As to periods for repayment of moneys raised by Corporation stock.

In the case of stock created and issued for the purposes (A) mentioned in the section of this Act the marginal note of which is "Power to borrow" within ten years from the date or dates of the borrowing of the same :

In the case of stock created and issued for the purposes (B) in the said section mentioned within forty-five years from the date or dates of the borrowing of the same :

In the case of stock created and issued for the purpose (c) in the said section mentioned within five years from the date or dates of the borrowing of the same.

58. All expenses incurred by the Corporation in the execution of this Act which are not defrayed out of borrowed moneys or otherwise provided for shall be defrayed out of the district fund and general district rate. Expenses of execution of Act.

A.D. 1903.

PART XII.

MISCELLANEOUS.

Power to
contribute to
St. John
Ambulance
Brigade.

59. The Corporation may contribute on such terms as they may determine out of the borough fund or borough rate a sum not exceeding five hundred pounds towards the equipment of the Sheffield Corps of the Saint John Ambulance Brigade.

Procedure.

60. The following provisions of the Sheffield Corporation Act 1900 shall have effect for the purposes of this Act as if they were herein re-enacted (that is to say) :—

Section 160 (Officers may institute proceedings) ;

Section 165 (Penalties to be made over to the treasurer).

Recovery of
penalties.

61. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

As to appeal.

62. Any person feeling himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Authentica-
tion and
service of
notices.

63.—(1) Where any notice or demand under this Act requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Judges not
disqualified.

64. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Corporation or liable to any rate leviable by the Corporation.

65. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown. Crown rights.

66.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Power to Local Government Board to direct inquiries.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

67. The accounts of the 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. Audit of accounts.

68. The agreements hereinafter mentioned as set forth in the Second Schedule to this Act are hereby sanctioned and confirmed and made binding on the parties thereto respectively The agreements hereinbefore referred to are — Confirmation of scheduled agreements.

(1) The agreement between the Derwent Valley Water Board and the Corporation :

(2) The agreement between the Corporation and Wilson Mappin :

(3) The agreement between William Wilson and the Corporation :

(4) The agreement between the Corporation and Samuel Fox & Company Limited.

69. The costs charges and expenses of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation out of moneys borrowed under the authority of this Act or out of the district fund and general district rate of the city or partly in one way and partly in the other. Costs of Act.

A.D. 1903.

SCHEDULES referred to in the foregoing Act.THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY
BE TAKEN.

Description of Work.	Township or Parish.	Nos. on deposited Plan.
Improvement No. 1 - - -	Sheffield - - -	1.
Improvement No. 4 - - -	Sheffield - - -	1.
Improvement No. 5 - - -	Sheffield - - -	1 to 10 inclusive.
Improvement No. 7 - - -	Nether Hallam - - -	1 to 17 inclusive.
Work No. 2 - - -	Sheffield - - -	2.

THE SECOND SCHEDULE.

AN AGREEMENT made the ninth day of July one thousand nine hundred and three between THE DERWENT VALLEY WATER BOARD (hereinafter referred to as "the board") of the one part and THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SHEFFIELD (hereinafter called "the Corporation") of the other part.

WHEREAS the board were constituted by the Derwent Valley Water Act 1899 and empowered to make certain works, in that Act specified consisting of reservoirs and aqueducts for the supply of water to the cities of Nottingham and Sheffield and the boroughs of Derby and Leicester together with parts of the counties of Derby and Nottingham:

And whereas the aqueducts authorised by that Act to be constructed by the board were not suitable by reason of the levels and position thereof for the supply of water to the city of Sheffield and the Corporation were authorised to construct a separate aqueduct at an adequate level and in a suitable position for such supply:

And whereas by the Derwent Valley Water Act 1901 the board were authorised to construct in another position the Derwent Reservoir whence water is to be or may be supplied to the city of Sheffield and to divert the aqueducts authorised by the said Act of 1899 and it will thus be possible for

an adequate supply of water to be given to the city from the aqueducts of the board: A.D. 1903.

And whereas it has consequently become unnecessary for the Corporation to construct the aqueduct authorised to be constructed by them under the provisions of the said Act of 1899 and they are seeking power to abandon its construction by a Bill now pending in Parliament intituled the Sheffield Corporation Act 1903:

And whereas the board are willing to supply the city of Sheffield with water from their aqueducts on the terms contained in these presents:

Now it is hereby agreed between the parties hereto as follows (that is to say):—

1. The board will supply to the Corporation and will deliver into the works proposed to be constructed by the Corporation under the powers of the said Bill intituled the Sheffield Corporation Act 1903 and to be known as the Ladybower Tunnel at a level not lower than seven hundred feet above Ordnance datum the quantity of water which the Corporation may be from time to time entitled to receive under the provisions of the said Act of 1899 and the board will construct their aqueduct of such dimensions as may be necessary to admit of supplying to the Corporation that quantity of water in addition to the water to be supplied to the other constituent authorities.

2. The board shall deliver and the Corporation shall take in an unfiltered condition the water to be supplied by the board to the Corporation in accordance with these presents.

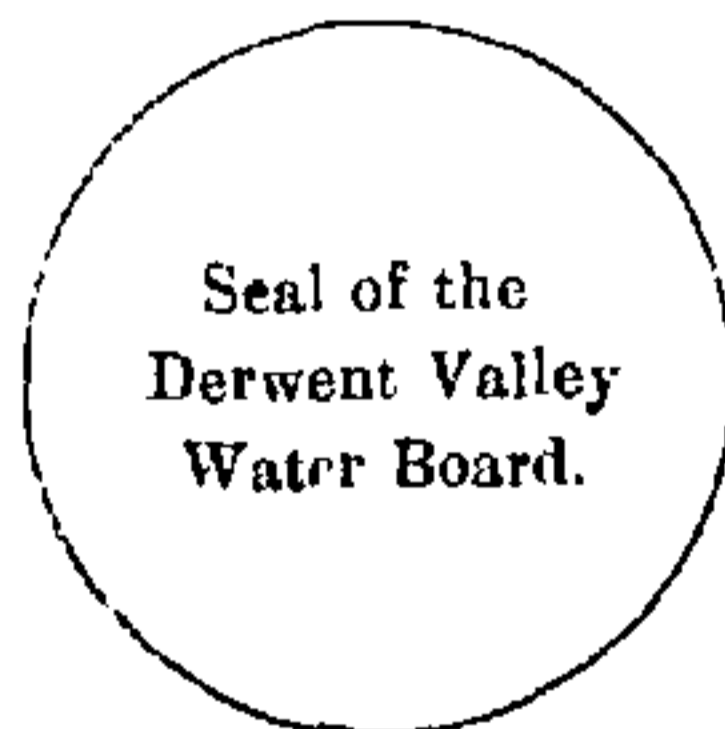
3. This agreement is made subject to such alterations as either House of Parliament may think fit to make therein but if either House of Parliament makes any material alteration it shall be competent to either party to withdraw from the same.

In witness whereof the board and the Corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

The common seal of the Derwent Valley Water Board was hereunto affixed in the presence of

EDWARD H. FRASER } Members of
JOHN JELLEY } the Board.

O. B. STEWARD Clerk.



The corporate common seal of the lord mayor aldermen and citizens of the city of Sheffield was hereunto affixed in the presence of

H. SAYER
Town Clerk
Sheffield.



A.D. 1903. AN AGREEMENT made the eighteenth day of March one thousand nine hundred and three between THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SHEFFIELD (hereinafter called "the Corporation") of the one part and WILSON MAPPIN of Abbeydale Grange in the city of Sheffield Esquire (hereinafter called "the owner") of the other part.

WHEREAS Work No. 1 proposed to be authorised by Part II. of the Sheffield Corporation Bill 1903 is intended to be partly situate on or under the lands of the owner known as Moscar Moor and Work No. 2 is intended to be wholly situate upon the said lands and the owner threatened to oppose the said Bill but has withdrawn his opposition on the terms hereinafter contained :

Now it is hereby agreed as follows :—

1. The Corporation may subject to the provisions of section 35 of the Derwent Valley Water Act 1899 purchase and acquire on the lands of the owner—

- (A) The easement or right of constructing and maintaining by underground workings a tunnel (Work No. 1) under the said lands in the lines and according to the levels shown on the deposited plans ;
- (B) The easement or right of using so far as may be necessary during and for the purpose of the construction of Work No. 1 the occupation road now existing in the situation shown on the deposited plans as the site of intended Work No. 2 ;
- (C) The easement or right of erecting an observatory and using the same so far as may be necessary during and for the purpose of the construction of Work No. 1 ; and
- (D) The easement or right of access to the surface of the said lands for the purpose of setting out the line of tunnel.

2. The Corporation shall not compulsorily acquire any part of the lands of the owner and save as aforesaid shall not compulsorily acquire any easements or rights in relation thereto unless and until and so far only as it may be necessary to do so in order to complete Work No. 1 by the first day of January one thousand nine hundred, and nine for which purpose the Corporation shall be entitled subject to the provisions of section 35 of the Derwent Valley Water Act 1899 to acquire such additional temporary easements or rights in or over the said lands as may be necessary during and for the purpose of the construction of Work No. 1 and if any question arises as to the necessity for the exercise of such powers or as to the extent to which such powers may be exercised the same shall be determined by George Henry Hill of the city of Manchester civil engineer or him failing by Ernest Hill of the same place civil engineer or him failing by a single arbitrator and this shall be deemed a submission under the Arbitration Act 1889.

3. The Corporation shall erect and maintain during the construction of Work No. 1 a gate at the beginning of the said occupation road where it

A.D. 1903.

joins the high road leading from Sheffield to Ashopton and shall erect and maintain during the same period an unclimbable iron fence on the lands of the owner alongside the said high road for sixty yards on each side of such gate.

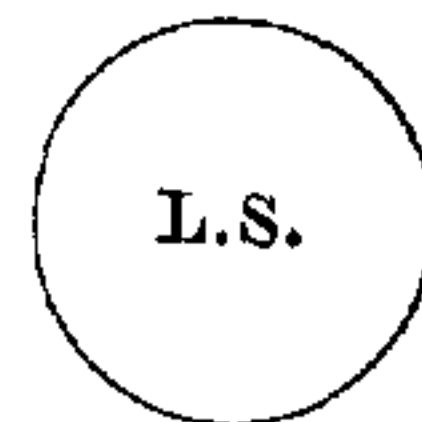
4. This agreement shall not prejudice any claim of the owner under the Lands Clauses Acts in relation to the value of the easements or rights proposed to be acquired or to compensation for injury done or to be done to the lands held with the lands over which such easements or rights are taken.

5. The Corporation shall use their best endeavours to secure that this agreement shall be scheduled to the Bill and the owner shall not oppose the Bill save so far as may be necessary to secure that this agreement shall be so scheduled.

6. This agreement is made subject to such alteration as Parliament may think fit to make therein Provided that if any material alteration be made herein either party may withdraw from the same.

As witness the corporate common seal of the Corporation and the hand and seal of the owner.

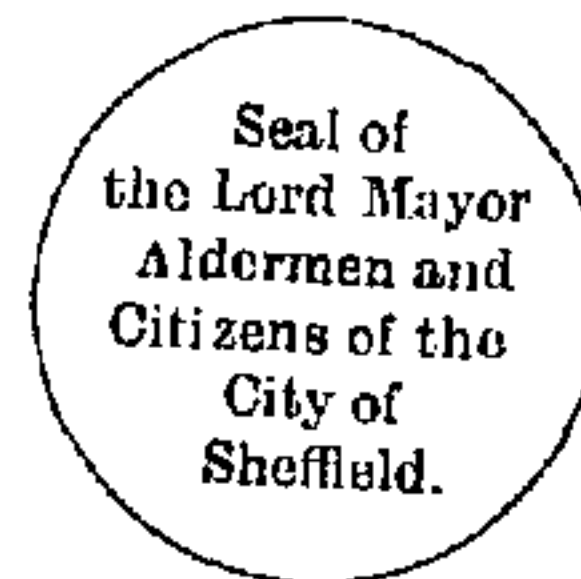
Signed sealed and delivered by
the said Wilson Mappin in
the presence of } WILSON MAPPIN.



THOMAS J. LEE

Clerk with Messrs. Smith Smith and Fielding
Solicitors Sheffield.

The corporate common seal of the lord mayor
aldermen and citizens of the city of Sheffield
was hereunto affixed in the presence of }



H. SAYER

Town Clerk Sheffield.

AN AGREEMENT made the twenty-eighth day of April one thousand nine hundred and three between WILLIAM WILSON of the city of Sheffield Esquire (hereinafter called "the owner" and which expression shall include his successors in title) of the one part and THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SHEFFIELD (hereinafter called "the Corporation") of the other part.

1. The owner agrees to the erection by the Corporation at any time after the date hereof of an observatory on his land upon the line of the tunnel proposed to be made by the Corporation through the owner's estate upon a site within one hundred yards from the western boundary of his estate to be fixed by the Corporation and the materials for the same shall

A.D. 1903. — be brought to the site thereof along a proposed new road through land lying to the west of the owner's moorland and belonging to Mr. Wilson Mappin and coloured yellow on the plan annexed hereto and thence within the limits of deviation across the owner's land by as short a route as is reasonably practicable.

The rights of the Corporation to erect and use the said observatory and of access thereto shall cease upon the expiration of twelve months after the completion of the tunnel proposed to be made by the Corporation and if the Corporation shall not remove the observatory within the period last mentioned the same shall become the property of the owner.

2. The owner agrees to the construction upon his estate of one shaft to be sunk upon the line of the proposed tunnel and to be used for the purpose of bringing spoil from such tunnel to the surface and for ventilation and for such other purposes as may be necessary for the construction of the tunnel. The site of such shaft to be within a distance of fifty yards from the "Oaking Clough" and within the limits marked on the tracing annexed hereto and hatched green thereon. Should such shaft be required to remain upon the owner's estate after the completion of the said tunnel the Corporation shall build and for ever thereafter maintain round the mouth thereof a wall of stone of not more than five feet in height to the satisfaction of Mr. Alfred Smith Denton of Sheffield surveyor and estate agent or other the surveyor for the time being of the owner.

3. The Corporation will not erect any huts or other dwelling places for navvies workmen or others employed upon the said works upon any part of the land belonging to the owner.

4. The Corporation will not exercise the right of entry upon any part of the owner's estate (other than such parts as may be required in connection with the said observatory and shaft in accordance with the preceding clauses hereof) on the line of the said tunnel and comprised in the limits of deviation except before and during the construction of the said tunnel by their engineers staff officials and members of the water committee but this restriction shall not affect the workmen employed between the said shaft and the place where the spoil therefrom shall be deposited and hatched green on the said tracing nor between the proposed road coloured yellow and the site of the proposed observatory within the said limits of deviation.

5. The Corporation shall use their best endeavours to restrain the workmen employed on their said works from trespassing on the moors or estate of the owner or otherwise interfering with the game of any kind thereon.

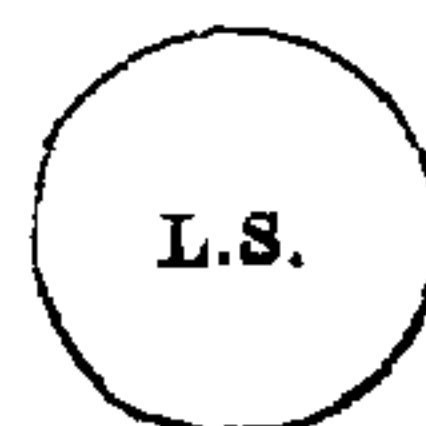
6. The Corporation shall not exercise the right of compulsory purchase of the surface of the owner's estate except as to the portion hatched green on the said plan annexed hereto or so much thereof as the Corporation may decide upon.

7. All questions of the amount of compensation to be paid to the owner by the Corporation shall (in default of agreement) be settled by arbitration in accordance with the Lands Clauses Act.

8. This agreement is made subject to such alteration as Parliament may think fit to make therein Provided that if any material alteration be made therein either party may withdraw from the same. A.D. 1903.

In witness whereof the said William Wilson has hereunto set his hand and seal and the Corporation have hereunto affixed their corporate common seal the day and year first above written.

Signed sealed and delivered by }
the said William Wilson in } WILLIAM WILSON.
the presence of }



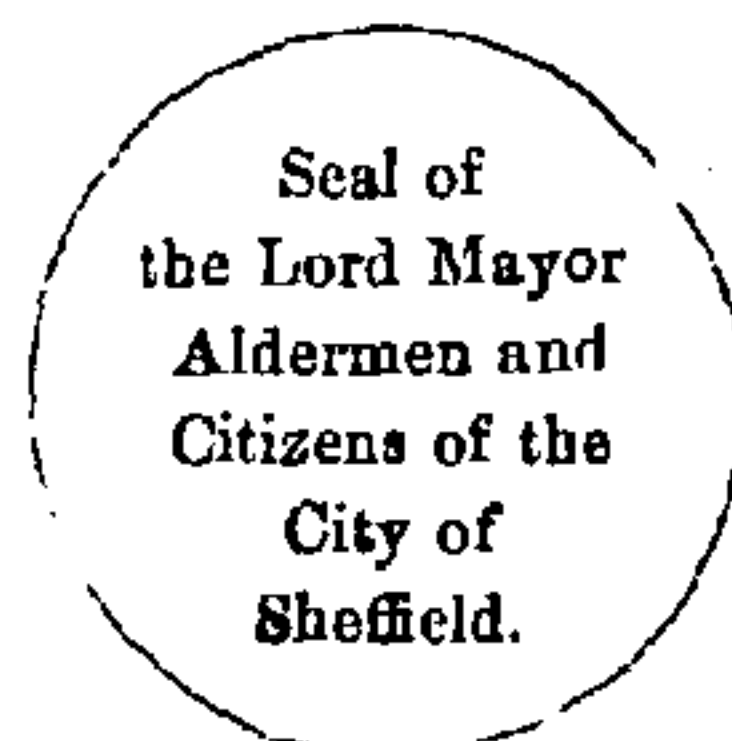
NATH. CRESWICK

Solr. Sheffield.

The corporate common seal of the lord mayor }
aldermen and citizens of the city of Sheffield }
was hereto affixed in the presence of }

H. SAYER

Town Clerk Sheffield.



AN AGREEMENT made the ninth day of July one thousand nine hundred and three between THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF SHEFFIELD (hereinafter referred to as "the Sheffield Corporation") of the one part and SAMUEL FOX AND COMPANY LIMITED whose registered office is at Stocksbridge Works near Sheffield aforesaid (hereinafter called "the company") of the other part.

WHEREAS by the Sheffield Corporation Water Act 1896 the Sheffield Corporation were empowered (subject to the provisions of that Act and of the agreements scheduled thereto) to take collect divert impound and use for the purposes of their water undertaking and of the said Act the waters of the Little Don River and its tributaries (other than the Hagg Brook) by the construction of two reservoirs then intended to be called and hereinafter referred to as the Langsett Reservoir and the Underbank Reservoir and other works:

And whereas under and by virtue of certain heads of agreement and a supplemental agreement respectively made between the Sheffield Corporation and the company as set out in the Fourth Schedule to the Sheffield Corporation Water Act 1896 and confirmed by section 73 of that Act the Sheffield Corporation are under an obligation to discharge into the said Little Don River for the use of the company certain quantities of compensation water which are in excess of the quantities which are by the same Act provided to be discharged out of the said reservoirs as compensation to the mill owners

A.D. 1903.

and other persons entitled to the use of the waters of the said Little Don River and the Sheffield Corporation are also under an obligation (amongst other things) to construct and maintain certain works for the use and benefit of the company :

And whereas the construction of the said Langsett Reservoir is approaching completion and the Sheffield Corporation have commenced the construction of the said Underbank Reservoir :

And whereas the sum which by clause 2 of the said heads of agreement it was provided should be paid to the company as compensation for loss of water power and other matters therein set forth has been duly paid but the Sheffield Corporation have not executed any of the works which by the said heads of agreement it was provided should be executed for the use and benefit of the company and the Sheffield Corporation have requested the company to relieve them from the obligation to execute such works and also to agree to certain modifications in the provisions as to the supply of compensation water for the use of the company and the company have acceded to this request upon the terms and conditions hereinafter appearing :

Now these presents witness and it is hereby agreed by and between the Sheffield Corporation and the company as follows (that is to say) :—

1. Clauses 1 3 and 5 of the said heads of agreement are hereby cancelled and annulled and in lieu thereof the following provisions of these presents shall take effect.

2. Until the said Langsett and Underbank Reservoirs shall be completed the Sheffield Corporation shall not interfere with or deprive the company of the full flow of the said Little Don River as now enjoyed by the company except that from and after the time when the said Langsett Reservoir is completed and is certified by the engineer to the Sheffield Corporation to be fit for use the Sheffield Corporation may make use of such flow for any of the purposes of the Sheffield Corporation Water Act 1896 provided that before doing so they cause to be discharged over or through the gauge or weir which under section 23 of the Sheffield Corporation Water Act 1896 it is provided shall be constructed by them within two hundred yards of the foot of the Langsett Reservoir embankment in a regular and uniform flow the several quantities of water during the respective periods mentioned and in manner provided by the same section until such time as the Underbank Reservoir is completed And except that from and after the time when the said Underbank Reservoir is completed and is certified by their said engineer to be fit for use the Sheffield Corporation shall cause to be discharged from the Underbank Reservoir into the said Little Don River above the intake to the company's mill dam so that the same shall flow through the company's works in a regular and continuous flow such a quantity of water as together with the available yield of the drainage area lying between the Underbank Reservoir and the said intake to the company's mill dam shall be sufficient to ensure that the total flow in the said river above the said intake (as measured by a gauge which the company may if they think fit construct at or near to the said intake) shall at no time after the Underbank Reservoir shall be completed as aforesaid be less than two million eight hundred and

fifty thousand gallons for the day supply during the twelve hours constituting a working day and one million two hundred and fifty thousand gallons for the night supply during the twelve hours constituting the night. Provided always that the company shall have the right of access at all times by their servants and agents to the said gauge or weir at Langsett and to the mill compensation gauge mentioned in section 23 of the said Act for the purpose of checking the quantities of water discharged thereby respectively.

3. The Sheffield Corporation shall only be entitled to exercise the powers conferred by clause 4 of the said heads of agreement upon the land mentioned in clause 11 hereof.

4. As part of the consideration for the relinquishment by the company of their special advantages under clauses 1 3 and 5 of the said heads of agreement the Sheffield Corporation shall from and after the time when the Langsett Reservoir is completed and certified by the engineer to the Sheffield Corporation to be fit for use supply to the company free of cost to them for use upon or in connection with their land works and premises at Stocksbridge during the twenty-four hours of each and every working day such quantity of water as the company may take not exceeding five hundred thousand gallons direct from the trunk main of the said Langsett Reservoir and such water shall be delivered by the Sheffield Corporation at or near the Stocksbridge works of the company at a height of not less than six hundred and twenty feet above Ordnance datum into a tank to be provided and at a point to be fixed by the company. And the company shall so far as may be practicable and after satisfying their requirements discharge the residue of the water supplied to them by the Sheffield Corporation as aforesaid into the river above the mill compensation gauge referred to in section 23 of the said Act of 1896.

5. As further part of the consideration for the relinquishment by the company of their special advantages under clauses 1 3 and 5 of the said heads of agreement the Sheffield Corporation shall within twelve months from the passing of the Bill which they now have in Parliament for an Act to be called "the Sheffield Corporation Act 1903" (to which Act this agreement is intended to be scheduled) pay to the company the sum of twenty-five thousand pounds as an agreed sum on account of the capitalised cost of providing and maintaining steam engines boilers pumps reservoirs mains and any other appliances and works that may be requisite or necessary and consequent upon the reduction in the amount of compensation water supplied to the company.

6. The Sheffield Corporation shall at their own cost construct and for ever thereafter maintain in good order and condition a line of pipes from the Langsett Trunk Main to the tank to be provided by the company as aforesaid and such pipes shall be of a sufficient size to deliver the full quantity of five hundred thousand gallons of water in twelve hours at the level hereinbefore (in clause 4) provided and due and proper provision shall be made by the Sheffield Corporation so that if required in times of emergency or on giving twelve hours' notice to the Sheffield Corporation for the purpose of filling up the tanks to be provided by the company as aforesaid or of keeping such

A.D. 1903. tanks full the whole of the said quantity of five hundred thousand gallons may be delivered in twelve hours instead of twenty-four hours as hereinbefore provided.

7. The company may take and the Corporation shall subject as hereinafter mentioned supply any quantity of water which the company may require in excess of the said stipulated quantity of five hundred thousand gallons per day at the rates and subject to the same conditions and obligations as are applicable to supplies of water for trade purposes by meter within the district of supply of the Sheffield Corporation.

8. The expression "working day" shall for the purposes of these presents include every day other than Sunday Christmas Day and Good Friday and the water to be discharged under clause 2 of these presents from the Langsett and Underbank Reservoirs respectively for the company's day supply shall be sent down and delivered in a regular and continuous flow during the twelve consecutive hours commencing at six o'clock in the morning and the water to be similarly discharged for the company's night supply shall be discharged during the twelve hours preceding the commencement of the period of discharge of the company's day supply. Provided nevertheless that the Sheffield Corporation may at any time after seven clear days' notice in writing addressed to the company at their registered office alter to any hour before six o'clock but not being earlier than four o'clock in the morning the commencement of the period of twelve hours during which the company's day supply shall be sent down and delivered as aforesaid.

9. The Sheffield Corporation shall at their own cost provide and fix and for ever thereafter maintain in good order and condition in or adjoining the said tank to be provided by the company as aforesaid a proper ball-tap or other automatic apparatus sufficient for giving and controlling a supply of five hundred thousand gallons of water in twelve hours and a sufficient meter or meters for the purposes of measuring the quantity of water delivered into the said tank and shall at the like cost erect and for ever thereafter maintain in good repair and condition the building necessary for the protection of the said ball-tap or other apparatus and meter or meters and the company as well as the Sheffield Corporation shall have the right of access by their servants and agents at all times to the said building ball-tap or other apparatus and meter or meters for the purposes of inspecting the same.

10. So far as the same shall pass through or be upon the property of the company the company shall make no charge to the Sheffield Corporation for the easement which is hereby granted for constructing and maintaining the said line of pipes nor for the site of the said meter house the Sheffield Corporation making good all damage which may be done in or about the execution of any works connected with the construction and maintenance of the said line of pipes and meter house.

11. The Sheffield Corporation relinquish all rights they might have of acquiring any land or any easement over any land of the company under clauses 9 10 and 11 of the said heads of agreement which clauses and the notice to treat given by the Sheffield Corporation under the said clause 9

are hereby cancelled and annulled and in lieu thereof the company hereby agree to convey to the Corporation at their cost and at a price to be agreed upon or failing agreement to be determined by arbitration as hereinafter provided such quantity of land (parts of plots numbered 309 in the parish of Penistone and 457 in the parish of Ecclesfield on the Parliamentary plans deposited in connection with the Sheffield Corporation Water Act 1896 and of the field adjoining No. 457 on the east but not exceeding altogether four acres one rood and seventeen perches and not extending to the westward more than two hundred feet from the west side of the Little Don River) as the Sheffield Corporation may require to enable them to construct the works mentioned in clause 4 of the said heads of agreement and the said mill compensation gauge and also if they think fit to construct a balancing reservoir for the purpose of regulating the water from the area lying between the Underbank Reservoir and the said mill compensation gauge and the company also agree to grant at a price to be agreed upon or failing agreement to be fixed by arbitration as hereinafter provided an easement for a line of pipes from the said works mentioned in clause 4 of the said heads of agreement to the main road lying immediately south of such works the position of such line of pipes to be approved by the company or their engineer.

12. If any difference shall at any time hereafter arise between the Sheffield Corporation and the company as to the price of the land and easement or easements agreed to be sold and granted as aforesaid or as to any other matter relating to the carrying out of this agreement the same shall be determined by some person to be agreed upon or failing agreement to be nominated by the President for the time being of the Surveyors' Institution and the person to whom such difference shall be referred shall be deemed to be a sole arbitrator within the meaning and subject to the provisions of and with the powers conferred by the Arbitration Act 1889 or any then subsisting statutory modification or re-enactment thereof.

13. As soon as and from and after the time when the full quantities of water provided by this agreement to be discharged out of the Underbank Reservoir shall be so discharged the supplemental agreement between the Sheffield Corporation and the company dated the twenty-third day of June one thousand eight hundred and ninety-six and forming part of the Fourth Schedule to the Sheffield Corporation Water Act 1896 shall be cancelled and annulled and the liability of the Sheffield Corporation thereunder shall cease and determine.

14. The Sheffield Corporation will use their best endeavours to schedule this agreement to the Sheffield Corporation Bill 1903 and to insert in such Bill the necessary clause for confirming and carrying out the stipulations hereof subject to such alterations as Parliament may think fit to make therein. Provided always that if the Committee of either House of Parliament to whom the said Bill shall be referred shall make any material alteration herein to which either party shall object it shall be competent for the objecting party to withdraw from this agreement.

15. The Sheffield Corporation shall pay the reasonable costs of the company's solicitors Parliamentary agents surveyors and engineers preliminary

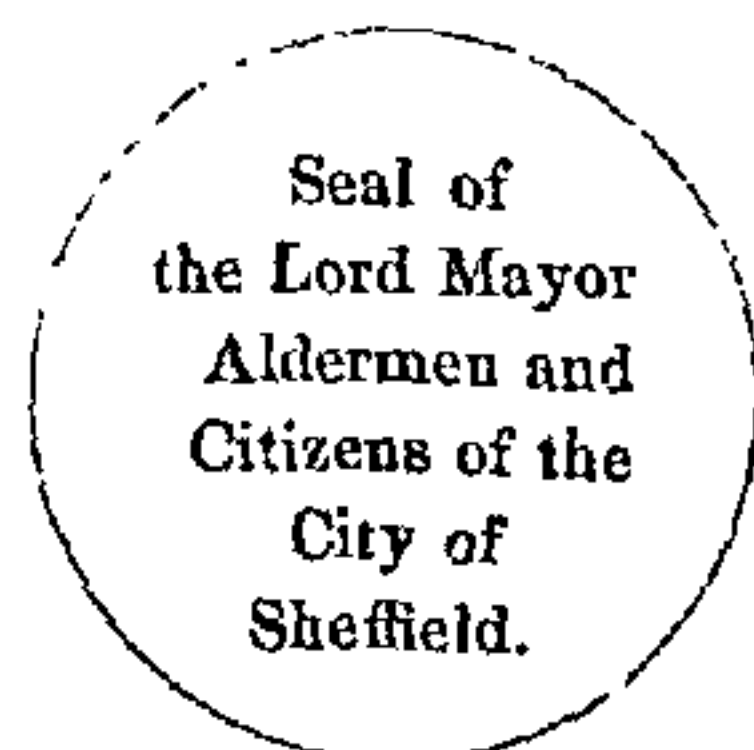
A.D. 1903. to and of and incidental to this agreement and the carrying out of its provisions including any costs which may be incurred by the company in petitioning and appearing before the committee of either House of Parliament in support of the said Bill or against any alterations in this agreement or to further the insertion in the said Bill of the clause required for the confirmation of this agreement.

In witness whereof the Sheffield Corporation and the company have caused their respective common seals to be hereunto affixed.

The corporate common seal of the lord mayor aldermen and citizens of the city of Sheffield was hereunto affixed in the presence of

H. SAYER

Town Clerk Sheffield.



WILLIAM CHESTERMAN } Two directors
SAMUEL G. RICHARDSON } of Samuel Fox and
Company Limited.



Countersigned

REG^D. BENSON

Solicitor of the said Company.

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FOR

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