



CHAPTER ccxxv.

An Act to make further and better Provision for the Improvement Health and good Government of the County Borough of Sheffield and for other purposes. A.D. 1890.

[14th August 1890.]

WHEREAS it is expedient to amend the law with respect to the making and collection of rates in the borough of Sheffield :

And whereas the late John Newton Mappin by his will dated the thirteenth day of February one thousand eight hundred and eighty-three and duly proved on the fifteenth day of February one thousand eight hundred and eighty-four bequeathed to Sir Frederick Thorpe Mappin Baronet and other persons therein and hereinafter referred to as "the trustees" certain pictures and works of art upon trust to make over the same to the Corporation of Sheffield if they should be willing to accept the bequest and if a suitable building in Sheffield with proper furniture and fittings should be provided by the Corporation to the satisfaction of the trustees for the reception and exhibition thereof and a proper deed to the satisfaction of the trustees should be executed by the Corporation declaring the trusts of the said building pictures and works of art it being his wish to assist by that bequest in the formation in Sheffield of a gallery or exhibition of pictures and works of art to be open to the public in perpetuity without any charge And the said testator also bequeathed to the trustees the sum of fifteen thousand pounds declaring his wish to be that the said sum should be applied in or towards the purchase of land and the erection thereon of a suitable building for the purposes aforesaid or in or towards the provision by other means of such a building :

And whereas the Corporation have erected and provided to the satisfaction of the trustees a suitable building in Weston Park in Sheffield called and hereinafter referred to as "the Mappin Art Gallery" and the said paintings and objects of art have been handed over and the said sum of fifteen thousand pounds has been paid by the trustees to the Corporation on trust to permit the said gallery

A.D. 1890. — and its contents to be used and enjoyed as a gallery and exhibition of pictures and works of art open to the public in perpetuity without any charge :

And whereas the Corporation have agreed with John Ruskin the master and with the trustees of the Saint George's Guild founded by the said John Ruskin for the loan to the Corporation for a period of twenty years of the valuable collection of precious stones minerals drawings books and works of art belonging to the said master and trustees and now kept at the Saint George's Museum at Upper Walkley in the neighbourhood of Sheffield and the Corporation have undertaken to provide for the removal of the said collection (hereinafter referred to as "the Saint George's Museum") to a building belonging to them and called Meersbrook Hall and for the care and management of the same for the public benefit during such period of twenty years and it has been further agreed that the master and two trustees of the said guild shall act on a committee to be appointed by the town council of Sheffield for the care and management of the said collection :

And whereas the Corporation have established a public library with four branches and a museum under the provisions of the Public Libraries (England) Acts 1855 to 1889 :

And whereas the sums which the Corporation can raise by rate under the said Public Libraries Acts would be inadequate to meet the expenses of maintaining the Mappin Art Gallery and the Saint George's Museum as well as the public library and museum established by the Corporation and it is accordingly expedient that the limit imposed on the amount of that rate by the said Acts be extended :

And whereas the Sheffield Corporation Act 1883 contains provisions for preventing the spread of infectious diseases which are in some respects incomplete and require amendment and it is also expedient to make further regulations with respect to other sanitary matters :

And whereas that part of Church Street which adjoins the churchyard of the parish church of Sheffield is narrow and inconvenient and it is expedient to authorise the Corporation to execute (subject to the conditions imposed by this Act) such widening and improvement of that street and such other street improvements as are in this Act described :

And whereas by reason of the narrowness of portions of Langsett Road Infirmery Road Moorfields Gibraltar Street and Westbar traffic is seriously impeded and the value of property is depreciated and the Corporation have adopted and are proceeding to carry into effect a scheme for widening those streets :

And whereas under the powers of the Sheffield Tramways Act 1872 the Corporation have laid lines of tramways in those streets and it is expedient to authorise the Corporation to remove the existing lines or parts thereof and to relay them in the position most advantageous for the street traffic : A.D. 1890.

And whereas the Sheffield Tramways Company to whom the said tramways are leased by the Corporation consent to the proposed removal of the lines :

And whereas it is expedient to make further and better provisions for execution of private street works and for the regulation of buildings and for slaughter-houses and for the regulation of overhead wires and with respect to other matters of local government :

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

And whereas plans and sections showing the lines and levels of the widening and improvement of Church Street and of the other street improvements authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting held on the eleventh day of December one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Sheffield and Rotherham Independent" a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should at the option of the council be charged on the borough fund borough rate district fund general district rate or other public funds or rates under the control and management of the council in such proportions as the council may determine or out of moneys to be borrowed by the Corporation on the security thereof :

And whereas such resolution was published twice in the "Sheffield and Rotherham Independent" a local newspaper published or circulating in the borough and has received the approval of one of Her Majesty's principal Secretaries of State and of the Local Government Board :

A.D. 1890.

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

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

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Sheffield Corporation Act 1890.

Incorporation of Lands Clauses Acts.

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

Act divided into parts.

3. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Rates.

Part III.—Museums Art Galleries &c.

Part IV.—Sanitary Provisions.

Part V.—Street Improvements.

Part VI.—Private Street Works.

Part VII.—Street and Building Regulations.

Part VIII.—Slaughter Houses.

Part IX.—Overhead Wires.

Part X.—Police Regulations.

Part XI.—Miscellaneous.

Interpretation of terms.

4. In this Act unless the context otherwise requires—

“The borough” means the municipal borough of Sheffield;

“The Corporation” and “the council” mean respectively the mayor aldermen and burgesses and the council of the borough;

“Borough fund” and “borough rate” mean respectively the borough fund and borough rate of the borough;

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

“The town clerk” “the surveyor” “the medical officer of health” and “the inspector of nuisances” mean respectively the town clerk the surveyor the medical officer of health and the inspector of nuisances of the borough and include their respective deputies;

“Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor;

“Lands” “premises” “street” “drain and sewer” have in this Act the meanings assigned to them by the Public Health Act 1875;

“Owner” has the meaning assigned to it by the Public Health Act 1875;

“Cattle” includes horses asses mules sheep goats and swine:

In this Act and in any Act incorporated with this Act the expression “superior courts” or “court of competent jurisdiction” shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. This Act shall be carried into execution by the Corporation acting by the council and the limits of this Act shall be the borough save where otherwise provided.

Act to be executed by council.

PART II.—RATES.

6.—(1.) The council of the borough may at any time if they see fit pass a resolution that it is expedient themselves to undertake the collection and recovery as well as the making and assessment of all or of any of the municipal rates.

Corporation may collect municipal rates.

(2.) After the passing of such a resolution the council may from time to time make any municipal rate of the amount in the pound necessary for raising the sum estimated by the council to be required for the purposes to which such rate is applicable but subject to any limitation of amount to which such rate is subject and every municipal rate so made by the council shall be assessed on and levied and collected from the occupiers of all hereditaments in the borough save that the council may by resolution order that the owners instead of the occupiers of such rateable hereditaments as are mentioned in section four of the Poor Rate Assessment and Collection Act 1869 shall be rated to all municipal rates and thereupon so long as such order continues in force the enactments contained in that section shall apply to municipal rates with the like incidents conditions powers liabilities and remedies as in the case of the poor rate the council only and their officers being substituted for the vestry and the overseers.

A.D. 1890.

(3.) Subject as aforesaid the council may make assess levy collect and recover any such municipal rate in the same manner as and with and under the same provisions (except as to exemptions from and reductions in the assessment and deductions from the amounts of rates) with which they make assess levy and recover the general district rates and they may so make assess levy collect and recover the same rates either together or as separate rates.

(4.) They may employ and pay such clerks collectors and other persons as may be required for the purpose of this section and the Corporation and persons so employed shall as nearly as may be have the like powers rights and remedies for and be subject to the like obligations with respect to the making assessing levying collecting and recovering of such rates as overseers have and are subject to by law in relation to poor rates and the obligations and duties of the overseers and their collectors shall on the exercise by the Corporation of the powers of this section cease in relation to the making assessing levying and collecting of the said rates within the borough.

(5.) Nothing in this section shall prejudice or affect the collection and recovery by the overseers of any borough rate or municipal rate made before the Corporation so exercise the said powers.

(6.) Nothing in this Act shall be construed to require any municipal rate to be allowed by justices.

(7.) The Corporation may include any municipal rate general district rate water or gas rate rent or charge and all other rates for the time being leviable by them in one or more book or books or set of books of assessment with separate columns and divisions and in one demand note.

(8.) Nothing in this Act shall in any wise alter or affect any liability or exemption of any hereditament to or from any municipal rate.

Power to
appeal
against rates.

7. If any person think himself aggrieved by any rate or assessment made under the preceding section of this Act the marginal note whereof is "Corporation may collect municipal rates" he may at the first practicable meeting of the council held after the publication of such rate after giving three days notice in writing to the Corporation apply to the Corporation for relief and they may grant such relief as they may think right and may amend such rate or assessment accordingly and if any such person think himself aggrieved by the determination of the Corporation he may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

8. In and for the purposes of this Act the expression "municipal rate" means and includes the borough rate and all other rates or contributions which the council of the borough are authorised to levy or cause to be levied under or for the purposes of the Prison Acts the Burial Acts the Lunatic Asylums Acts the Public Libraries Acts the Elementary Education Acts and any Acts amending the same respectively or under any other public or local Act or Acts authorising the council of the borough to levy or cause to be levied any rate or contribution on the same basis as the borough rate and for the time being in force :

A.D. 1890.
Definition of
municipal
rate.

Provided that nothing in this Act shall affect the mode of making assessment levying collection or recovery of general district rates or of any other rate under the Public Health Act 1875.

9. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments (not being more than four) of such amounts and to be paid at such times within the financial year as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering of rates shall extend and apply to each instalment as if the same were a separate rate.

Power to
levy rates by
instalments.

10. Compensation may with the approval of the Local Government Board be paid by the Corporation out of the borough fund and borough rate or district fund and general district rate as the council may determine to any collector of rates or other officer (other than officers appointed annually) who shall have held his office for at least one year and who may be deprived of any emolument in consequence of the exercise by the Corporation of the powers of this part of this Act and any such compensation may (at the option of the Corporation) be by way of annuity or otherwise Provided that any such collector or other officer who shall at any time accept employment in any office under the Corporation shall to the extent of the value of the employment be deemed to have waived all right to compensation under this section :

Compensa-
tion may be
paid out of
borough fund
and borough
rate or
district fund
and general
district rate.

Provided also that any compensation given under the provisions of this section shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service is paid to a person on abolition of office and if a claimant is aggrieved by the refusal of the Corporation to grant any compensation or by the amount of compensation assessed the claimant may within three months of the

A.D. 1890. — decision of the Corporation appeal to the Local Government Board who shall consider the case and determine whether any compensation and if so what amount ought to be granted to the claimant and such determination shall be final.

PART III.—MUSEUMS ART GALLERIES &c.

Powers of Corporation as to museums &c.

11. In respect of the Mappin Art Gallery the Saint George's Museum and any other museum art gallery or other like institution for the time being under the control of the Corporation whether under the Public Libraries (England) Acts 1855 to 1889 or otherwise the Corporation shall have power from time to time—

(A.) To make rules and regulations for the use of the said institutions by students and others and for the admission of the public thereto :

(B.) To fix and to demand and receive fees and charges for instruction admission to lectures and special exhibitions on such days and occasions as the Corporation may determine Provided that nothing in this Act shall empower the Corporation to receive any fee or make any charge in respect of the Mappin Art Gallery and that the days on which the public shall be admitted free of charge to any other art gallery or museum under this section shall not be less than two hundred and fifty days in every year :

(C.) To let any room for the purpose of an exhibition or entertainment.

Expenses of museums &c.

12.—(1.) Any fees or charges received by the Corporation in respect of any such museum or institution as aforesaid shall be applied by them towards defraying the expenses of such museum or institution.

(2.) So far as such expenses are not so defrayed they shall be met by the Corporation out of the rate applicable within the borough to the execution of the Public Libraries (England) Acts 1855 to 1889 Provided that no expenditure shall be so met by the Corporation unless an estimate of the same has been previously submitted to and approved by the Corporation.

Limit of library rate extended.

13. In order to provide for the proper maintenance of the Mappin Art Gallery and Saint George's Museum and for the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries (England) Acts 1855 to 1889 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be paid out of or levied by a rate were extended so as not to exceed the sum of twopence in the pound.

PART IV.—SANITARY PROVISIONS.

A.D. 1890.

(i.) *Infectious Diseases.*

14.—(1.) The expression “infectious disease” in and for the purposes of this Act and the Sheffield Corporation Act 1883 means any of the following diseases namely small-pox cholera diphtheria membranous croup erysipelas the disease known as scarlatina or scarlet fever and the fevers known by any of the following names typhus typhoid enteric relapsing continued or puerperal and includes any infectious disease to which the Infectious Disease (Notification) Act 1889 shall have been applied by the Corporation.

Definition of infectious disease.

(2.) Section seventy-eight of the Sheffield Corporation Act 1883 (interpretation of expression infectious disease) is hereby repealed without prejudice to anything done or suffered thereunder.

15. Whenever it shall be certified to the Corporation by the medical officer of health that the spread of infectious disease is in the opinion of such medical officer attributable to milk supplied by any purveyor of milk (whether wholesale or retail) or occupier of a dairy milk-store or milk-shop or to milk supplied by one or other of several purveyors of milk (whether wholesale or retail) or occupiers of dairies milk-stores or milk-shops the Corporation may require such purveyor or occupier or several purveyors or occupiers to furnish to them within a time limited by the requisition a full and complete list of the names and addresses of the farmers cowkeepers milk dealers or other parties from whom during the period specified in the requisition the milk or any part of the milk sold or distributed by him or them was obtained Every person who wilfully offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Milk dealers to supply information respecting the source of their milk supply when required.

16. In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milk-store milk-shop or place situate beyond the borough boundary or that the consumption of milk from such farmhouse dairy cowshed milk-store milk-shop or place is likely to cause infectious disease to any person residing in the borough such medical officer shall if authorised in that behalf by an order of a justice having jurisdiction in the place where such farmhouse dairy cowshed milk-store milk-shop or place is situate have power to inspect such farmhouse dairy cowshed milk-store milk-shop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the

Medical officer of health may inspect dairies &c. beyond borough in certain cases.

A.D. 1890. Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milk-store milk-shop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the local authority acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 of the district in which such farmhouse dairy cowshed milk-store milk-shop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively :

Any person refusing to permit the medical officer of health on production of such order as aforesaid to inspect any such farmhouse dairy cowshed milk-store milk-shop or place or after any such notice by the Corporation has been given supplying any milk therefrom within the borough or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings Provided that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milk-store milk-shop or place is situate.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

17. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings Every person who wilfully offends against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings.

Further powers for removal to hospital of infected person.

18.—(1.) On the certificate of the medical officer of health of the borough or other legally qualified medical practitioner that any person within the borough is suffering from any dangerous infectious disease and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the

disease or to be properly treated the Corporation may give written notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal within a reasonable time to be specified in such notice of such person to any hospital belonging to them or under their control Provided that if there is no such head of the family or if such head of the family is absent from the borough or cannot be found such notice may be given to the person so suffering.

A.D. 1890.

(2.) If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital as aforesaid but if the person to whom such notice is given refuses to consent to such removal or to be removed or is by reason of age disease or otherwise incapable of giving such consent any justice may on the application of the Corporation make an order for the removal of the person so suffering to such hospital as aforesaid and for his detention there as long as may be necessary Such order may be addressed to an officer of the Corporation or to any constable of the borough and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(3.) Any expenses incurred in respect of the conveyance of such person to such hospital and his maintenance and treatment therein shall be defrayed by the Corporation.

19. Section eighty-five of the Sheffield Corporation Act 1883 is hereby repealed and in lieu thereof it is enacted that any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyance.

20. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any Act amending the same or of any order license or act of the Board of Agriculture or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or the Local Government Board or exempt the dairies milk-stores or milk-shops or the slaughter-houses or knackers' yards to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Saving for Acts relating to dairies animals &c.

A.D. 1890.

(ii.) *Privies Drains &c.*

Power to
enforce alter-
ation of
privies ash-
pits &c.

21.—(1.) Where any privy ash-pit or cesspool is certified by the medical officer of health to be prejudicial to health or an annoyance to the public or neighbourhood or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or neighbourhood the Corporation may by written notice require the owner of the same within a reasonable time to be specified in the notice to alter such privy or ash-pit or to convert the same into a water-closet or earth-closet and to abolish such cesspool as the case may require to the satisfaction of the Corporation.

(2.) If the Corporation so require any privy or ash-pit to be so converted or any cesspool to be abolished the owner may by notice in writing require the Corporation to make such conversion or to effect such abolition and the Corporation shall thereupon execute and do all works and things necessary for those purposes respectively including the constructing and connecting of all necessary drains and the laying on of water to any such water-closet and shall themselves bear and pay one-third of the reasonable costs charges and expenses thereby incurred by them and the remaining two-thirds shall be borne and paid by such owner and shall be deemed to be private improvement expenses and may subject to the right of payment by instalments hereinafter contained be recovered accordingly. If the owner do not make such conversion or effect such abolition and shall not within one month from the receipt by him of the said notice by the Corporation give to the Corporation notice under the provisions of this sub-section the Corporation may then execute and do all such necessary works and things in the same manner and subject to the same consequences as if the owner had given the said notice to the Corporation. Nothing however in this sub-section contained shall interfere with or prevent the owner from selecting the contractor to be employed by the Corporation to do the necessary work who shall be employed by them for that purpose if he be duly qualified for it.

(3.) An appeal shall lie from any requirement of and as to the reasonableness of any costs charges and expenses claimed by or from the Corporation under this section to a court of summary jurisdiction in the first instance and from the decision of such court to a court of quarter sessions as hereinafter provided.

Definition of
ash-pit.

22. The term "ash-pit" in the Public Health Act 1875 and in this Act shall for the purposes of the execution of the Public Health Act 1875 and of this Act include any ash-tub or other moveable receptacle for the deposit of ashes or other refuse matter and

every such ash-tub or receptacle shall be of such size pattern and construction as the Corporation approve Any ash-tub or other receptacle which does not satisfy the requirements of the Corporation shall be deemed insufficient within the meaning of the provisions of the Public Health Act 1875 Provided that this section shall not apply to any ash-tub or other receptacle in use at the commencement of this Act so long as the same is in proper order and condition.

A.D. 1890.

23. If any person injures or improperly fouls any public urinal or any water-closet earth-closet privy ash-pit or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building he shall be liable to a penalty not exceeding forty shillings.

Penalty on injuring or fouling common privies &c.

24. If any water-closet earth-closet privy ash-pit or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building or the approaches to or the walls floors seats or fitting of any such closet privy ash-pit or urinal or any of them is or are in such a state or condition as to be a nuisance for want of the proper cleansing thereof then any one of the persons having the use thereof in common as aforesaid and who is in default or in the absence of proof satisfactory to the justices as to which of them is in default each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings.

Cleansing of privies &c. used in common.

25. It shall not be lawful for any person to throw or to suffer or permit to be thrown or to pass into any drain or sewer any matter or substance which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the drains or sewers and every person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on throwing injurious matters into sewers.

26.—(1.) Every person who turns or permits to enter into any sewer of a local authority or any drain communicating therewith—

Chemical refuse steam &c. not to be turned into sewers.

(a.) Any chemical refuse; or

(b.) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit);

which either alone or in combination with the sewage is likely to cause a nuisance or to be injurious to health shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2.) The local authority by any of their officers either generally or specially authorised in that behalf in writing may enter any

A.D. 1890.

premises for the purpose of examining whether the provisions of this section are being contravened and if such entry be refused any justice on complaint on oath by such officer made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises may by order under his hand require such person to admit the officer into the premises and if it be found that any offence under this section has been or is being committed in respect of the premises the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3.) A person shall not be liable to a penalty for an offence against this section until the local authority have given him notice of the provisions of this section nor for an offence committed before the expiration of seven days from the service of such notice provided that the local authority shall not be required to give the same person notice more than once.

Corporation may make communications between private drains and their sewers on payment &c.

27. If the owner or occupier of any premises within the borough desires that any private sewer or any drain from such premises shall be made to communicate with any sewer of the Corporation the Corporation may and shall make so much of such private sewer or drain as is to be constructed under any public highway and also the junction of such sewer or drain with the sewer of the Corporation and may and shall execute all necessary works for those purposes upon the reasonable cost or estimated cost thereof being paid to the Corporation or the payment thereof to them being secured to their satisfaction.

Corporation may agree to make drains at expense of owner.

28. The Corporation may agree with the owner or occupier of any premises that any sewer or drain required to be made altered or enlarged by such owner or occupier or any part of such sewer or drain shall as to so much thereof as shall be in a street be constructed made altered and enlarged by the Corporation and the cost price of preparing the requisite plans and sections for and superintending making altering or enlarging such sewer or drain and also the cost of the execution of the works as estimated or certified by the surveyor shall be paid in advance to the Corporation by the owner or occupier so agreeing.

Power to require removal of urinal.

29. The Corporation may from time to time give notice in writing to the owner or occupier of any building or land requiring him within a reasonable time to be specified in such notice to remove or to make structural alterations of any urinal or similar convenience belonging thereto or thereon which shall in the opinion of the Corporation be so situate or constructed as to be a nuisance or offensive to public decency and if such owner or occupier shall

make default in complying with such requirement within the time specified in such notice the Corporation may if they think fit after they have given such owner or occupier an opportunity of appealing to and being heard by their health committee remove such urinal or similar convenience or may execute the alterations so required and may recover summarily from such owner or occupier the expenses incurred by them in so doing. A.D. 1890.

30. No room built before or after the commencement of this Act any portion of which extends immediately over any privy (not being a water-closet) cesspool midden or ash-pit shall be occupied as a dwelling or sleeping or work room or place of habitual employment of any person in any manufacture trade or business during any portion of the day or night and no person shall after the expiration of one month after the passing of this Act knowingly occupy or suffer to be occupied as a dwelling or sleeping or work room any such room Any person who after notice from the Corporation that he is offending against the provisions of this section continues the offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings. Rooms over privies not to be used as dwelling or sleeping rooms.

31. In cases where two or more houses belonging to different owners are connected with a single private drain which conveys their drainage into a public sewer and an application is made under section forty-one of the Public Health Act 1875 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 and such expenses shall be recoverable summarily or the Corporation may declare them to be private improvement expenses and may recover them accordingly. Extension of section forty-one of the Public Health Act.

32. A notice given by the Corporation under section ninety-four of the Public Health Act 1875 or the Sheffield Corporation Act 1883 or this Act requiring any person to abate a nuisance or to execute works may prescribe the description of the work required to be done or of the materials to be used or the acts required to be done and anything so prescribed shall be deemed to be a requisition of the notice within the meaning of the Public Health Act 1875. Amendment of section ninety-four of Public Health Act 1875.

PART V.—STREET IMPROVEMENTS.

(i.) *Church Street and other Street Improvements.*

33. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on Power to widen Church

A.D. 1890.

Street and
execute other
street im-
provements.

the deposited plans and sections the street improvements hereinafter described with all necessary or convenient approaches and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes or any of them :

The street improvements by this Act authorised to be made are as follows :—

- (A.) A widening and improvement of Church Street on the northern side thereof commencing at the south end of East Parade and terminating at the south end of St. James' Row :
- (B.) A continuation of Eyre Street from the south-west end thereof commencing on the south-west side of Jessop Street and terminating at Porter Street near its junction with Hereford Street and Sylvester Street :
- (C.) A widening of Club Garden Road at the north-west end thereof at its junction with Lansdowne Road.

Power to
deviate.

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

Power to
make subsi-
diary works.

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

Alteration of
position of
mains and
pipes.

36. The Corporation may for the purpose of or in connection with the improvements by this Act authorised and within the limits of deviation raise sink or otherwise alter the position of any water-course water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the said improvements and also any gas main or other pipe and also any pipe tube or apparatus laid down for telegraphic or other purposes and any pipe tube wire

or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any person who suffers damage by any such alteration: A.D. 1890.

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

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

38. If the improvements by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the said improvements shall cease except as to so much thereof as is then completed. Period for completion of works.

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

A.D. 1890.

Limitation of
time for com-
pulsory
purchase of
lands.

Restrictions
on displacing
persons of
labouring
class.

40. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act.

41.—(1.) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially 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 modification 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 under this section 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 :

(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 seventy-two of the Local Government Act 1888) or any other general Act :

(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 passing of this Act 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 sub-section 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 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 "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages

A.D. 1890. 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 such persons who may be residing with them.

Restriction on interference with churchyard and prohibition of removal of remains of deceased persons.

42. Nothing in this Act shall authorise the Corporation in the execution of the said widening and improvement of Church Street to interfere with the churchyard of the parish church of Sheffield save so far as may be necessary for the purpose of providing a proper footpath over so much of the said churchyard as is by this Act authorised to be appropriated for such footway and for additional entrances to the said churchyard and nothing in this Act shall authorise the Corporation to disturb or remove the remains of any deceased person or persons interred in the said churchyard or under the existing footpath on the north side of Church Street and the Corporation shall cause any remains which may accidentally be disturbed to be re-interred under the superintendence of the medical officer of health in any consecrated burial ground wherein burials may legally take place :

Provided that the heirs executors administrators or relatives or friends of any person whose remains are interred or deposited in or under the portion of the said churchyard required for the said widening and improvement may if they so prefer at the cost of the Corporation (such cost not to exceed ten pounds in each case) and under such superintendence as aforesaid remove the remains of such person to any consecrated burial ground wherein burials may legally take place.

Restriction on moving railings round tombs &c.

43. Nothing in this Act shall authorise the Corporation to remove the whole or part of any wall or railing fixed round any tomb grave or vault in the churchyard of the parish church of Sheffield except for the purpose of making the said proper footpath or for the purpose of altering and renewing such walls or railings or some of them so that the same may be in conformity with the design for the walls and railings to be made round the churchyard.

Corporation to make a plan of churchyard and tombstones and copies of inscriptions on tombstones with books of reference.

44.—(1.) The Corporation shall within twelve months from the passing of this Act and before taking or entering on (except for the purposes next hereinafter mentioned) the land authorised to be taken from the churchyard cause to be made an accurate plan of such land on which shall be delineated the exact position of every vault and tombstone therein each of such vaults and tombstones being marked and distinguished in such plan with a distinct and separate number The Corporation shall also cause to be made a

book of reference in which shall be transcribed an accurate detailed copy of every inscription (including both words and figures) on each of such vaults and tombstones respectively so far as the same may be legible or capable of being deciphered. The copies of the said inscriptions shall be numbered consecutively in the said book and such numbers shall correspond with the numbers on the said plan and the said book shall also contain an accurate index of all surnames and Christian names mentioned in the said inscriptions and the said index shall be arranged alphabetically with a reference in every case to the number of the copy of the inscription in the said book. Two copies shall be made of the said book and of the said plan each of which shall be certified to be correct under the hand of the town clerk and one of such copies shall be kept with the parish registers of the said parish church and the remaining copy shall be kept with the municipal records of the borough and each of such copies shall at all reasonable times be open to public inspection.

A.D. 1890.

(2.) A copy or copies of the book of reference mentioned in this section or of any extract or extracts therefrom purporting to be certified as correct under the hand of the town clerk shall be admitted in evidence in all legal proceedings both civil and criminal without further proof and in the absence of proof to the contrary the inscription or inscriptions contained in any such last-mentioned copy or copies shall be taken to have been accurately transcribed from the vault or tombstone in which any such inscription or inscriptions respectively shall have been originally inscribed.

45. If for any of the purposes of this Act it shall be necessary to take up or remove the whole or any part of any tombstone or monument in the churchyard bearing any inscription and whether the same shall be clearly legible or not such part of any such tombstone or monument as shall bear any such inscription as aforesaid shall be carefully removed and preserved by the Corporation and shall be by them deposited in some convenient part of the churchyard to be appointed for that purpose by the vicar and the churchwardens.

Inscriptions on tombstones to be preserved.

46. The Corporation shall not make or cause or suffer to be made any drain or drains sewer or sewers in through or under that part of the existing footway on the north side of Church Street which is to be taken into the carriage way of Church Street under the provisions of this Act or any part thereof or in through or under the land authorised by this Act to be taken from the churchyard and added to Church Street or any part thereof.

No sewers or pipes to be made or laid in land taken from the churchyard.

A.D. 1890.

Saving rights
of vicar
church-
wardens and
others.

47. The freehold of and in the soil of that part of the churchyard which is authorised by this Act to be added to Church Street (including the existing footway in Church Street where it abuts on the churchyard) shall remain vested in the vicar 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 and the churchwardens respectively of in and to the churchyard 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 churchyard or any part thereof.

Subject
thereto land
taken to be
vested in
Corporation
as part of a
street.

48. 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 Church Street (including the existing footway on the south side of the churchyard) shall for all intents and purposes be deemed to be parts of a street within the meaning of the Public Health Act 1875 and the Corporation shall have and exercise all the rights powers and privileges conferred by the Public Health Act 1875 on urban sanitary authorities in over on and in respect of the said pieces of land and every part thereof respectively.

(ii.) *Alteration of Position of Tramway Lines.*

Alteration of
position of
tramway
lines in
widened
streets.

49.—(1.) As and when the Corporation proceed to widen or where they have widened any part of Langsett Road Infirmery Road Moorfields Gibraltar Street and Westbar respectively they may in any part of the streets which is to be or which has been so widened remove the tramway lines from the position which they occupy and may relay them in such position in those streets as may appear to the Corporation to be most convenient for the traffic Provided that a space of at least nine feet six inches be left between the outer rail of such tramway lines and the footpath of the street on the side nearest to such rail.

(2.) The expenses of such removal and relaying shall be defrayed by the Corporation as part of the expenses of widening the said streets.

(3.) No such removal or relaying as in this section mentioned shall affect any of the provisions of an indenture of lease dated the eleventh day of September one thousand eight hundred and seventy-five whereby the tramways in the said streets were demised for the term of twenty-one years by the Corporation to the Sheffield Tramways Company subject to certain covenants and conditions therein

contained and such indenture of lease and all the provisions thereof shall after any such removal apply to the tramways in like manner as they applied before the removal of the lines by this Act authorised. A.D. 1890.

PART VI.—PRIVATE STREET WORKS.

50. "Street" for the purpose of the provisions of this part of this Act means (unless the context otherwise requires) a street as defined by the Public Health Act 1875 and not being a highway repairable by the inhabitants at large. Definition of street.

51. The expression "paving metalling and flagging" used in this part of this Act and in sections one hundred and fifty and one hundred and fifty-two of the Public Health Act 1875 shall include macadamising asphaltting gravelling kerbing and every method of making a carriage way or footway and words referring to paving metalling and flagging shall be construed accordingly. Definition of paving metalling and flagging.

52.—(1.) Where any street or part of a street is not sewered levelled paved metalled flagged kerbed channelled made good and lighted to the satisfaction of the Corporation the Corporation may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called "private street works") (that is to say) To sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Corporation in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part of a street Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street: Private street works.

(2.) The surveyor shall prepare as respects each street or part of a street—

(A.) A specification of the private street works referred to in the resolution with plans and sections (if applicable);

(B.) An estimate of the probable expenses of the works;

(C.) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the schedule to this Act and shall be submitted to the Corporation who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in Part II. of the schedule to

A.D. 1890. — this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment within seven days after the date of the first publication. During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the Corporation offices and shall be open to inspection at all reasonable times.

Objections to proposed works.

53. During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any of the expenses of executing the works may by written notice served on the Corporation object to the proposals of the Corporation on any of the following grounds (namely):—

- (A.) That an alleged street or part is not or does not form part of a street within the meaning of this part of this Act;
- (B.) That a street or part is (in whole or in part) a highway repairable by the inhabitants at large;
- (C.) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;
- (D.) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;
- (E.) That any premises ought to be excluded from or inserted in the provisional apportionment;
- (F.) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as hereinafter provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises:

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

Hearing and determination of objections.

54.—(1.) The Corporation at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors ten clear days at least before the time so appointed and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject

to the same provisions with respect to stating a case as if the Corporation were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Corporation. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Corporation and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

55.—(1.) The Corporation may include in any works to be done under this part of this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of separate sewers for the reception of sewage and of surface water respectively. The cost of all such works so far as they relate to sewerage and the provision of separate sewers for the reception of sewerage and surface water respectively shall be paid by the Corporation.

Incidental works.

(2.) The Corporation in any estimate of the expense of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys and superintendence and notices which commission shall be carried to the credit of the district fund.

56. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part in respect of which the expenses are to be incurred shall unless the Corporation otherwise resolve be apportioned according to the frontage of the respective premises but the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (namely) :—

Apportionment of expenses.

(A.) The greater or less degree of benefit to be derived by any premises from such works ;

A.D. 1890. (B.) The amount and value of any work already done by the owners or occupiers of any such premises :

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly. But no such premises shall be included unless there is an access thereto from the street in respect of which the expenses are to be incurred or from an immediately adjoining street.

Amendment of plans &c.

57. The Corporation may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in manner prescribed in Part II. of the schedule to this Act and shall be open to inspection at the town clerk's office at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Final apportionment and recovery of expenses.

58.—(1.) When any private street works have been completed and the expenses thereof ascertained the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be) and such final apportionment shall subject to the right of objection in this section contained be conclusive for all purposes and notice of such final apportionment shall be served on the owners of the premises affected thereby and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Corporation object to such final apportionment on the following grounds or any of them :—

- (A.) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.;
- (B.) That the final apportionment has not been made in accordance with this section ;
- (c.) That there has been an unreasonable departure from the specification plans and sections ;

(D.) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment. A.D. 1890.

(3.) Objections under this section shall be determined in the same manner and subject to the same incidents as objections to the provisional apportionment.

59.—(1.) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section two hundred and fifty-seven of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment with interest at the rate of five pounds per centum per annum and the Corporation shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver. Charge on premises.

(2.) The Corporation shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation.

60. The Corporation may if they think fit (but subject to the right of payment by instalments hereinafter conferred) from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding five pounds per centum per annum from the date of the final apportionment till payment thereof. Recovery of expenses summarily or by action.

61. The Corporation if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate. Contributions by Corporation to expenses.

62. The incumbent or minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall not be liable to any expenses of private street works as the owner Exemption from expenses of incumbent of church.

A.D. 1890.

of such church chapel or place or of any churchyard or burial ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution or other legal process but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the Corporation.

Power for limited owners to borrow for expenses.

63. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under the provisions of this part of this Act relating to private street works as well as the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years.

Power for Corporation to borrow for private street works.

64. The Corporation may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rates moneys for the purpose of temporarily providing for expenses of private street works and the powers of the Corporation to borrow under the Public Health Act 1875 shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act 1875.

Adoption of private streets by Corporation.

65. Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street by the Corporation and the Corporation are of opinion that such street or part ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large:

Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the greater part in number or value of the owners of the houses and land in such street by notice in writing to the Corporation object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

66. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Corporation) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Corporation shall within three months from the time of such application by notice put up in such street declare the same to be a highway repairable by the inhabitants at large and thereupon such street shall become a highway repairable by the inhabitants at large.

A.D. 1890.
 ———
 Obligation of Corporation to adopt private streets in certain events.

67.—(1.) The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works.

Separate accounts of expenses of works.

(2.) All moneys recovered by the Corporation under the provisions of this Act in respect of private street works shall be applied in the execution of other private street works or in repayment of moneys borrowed for the purpose of executing private street works.

68. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this part of this Act shall wholly or partially front or abut and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway siding station or works and shall have no communication with such street and the expenses incurred by the Corporation under the powers of this part of this Act which but for this provision such company would be liable to pay shall be repaid to the Corporation by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor and in the event of such company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Corporation the expenses which but for the foregoing provision such company would in the first instance have been liable to pay and the Corporation shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such company to the Corporation less the costs and expenses attendant upon such division in such proportion as shall be settled by the surveyor whose decision shall be final and conclusive.

Railways and canals abutting but not communicating with streets not to be chargeable with private street expenses.

PART VII.—STREET AND BUILDING REGULATIONS.

69. Buildings and lands shall be deemed to be in a street when they abut on or have an access (covered or uncovered) to a street.

When buildings to be deemed to be in a street.

A.D. 1890.

No buildings allowed until street defined.

70. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof. Any person offending against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Penalty for erecting buildings on ground filled up with offensive matter.

71.—(1.) It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with foecal animal or vegetable matter or upon which any such matter has been deposited unless and until such matter shall have been properly removed by excavation or otherwise or shall have been rendered or have become innocuous.

(2.) Every person who does or causes or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

What to be deemed new buildings.

72. From and after the passing of this Act—

The re-erection wholly or partially on the same site of any building which is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this part of this Act and of the Sheffield Corporation Act 1883 and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a “new building” and the word “building” shall for all such purposes include an erection or building of a permanent character of whatever material constructed. Provided always that any building which under any Act of Parliament or byelaws now in force is exempt from the operation of such Act or byelaws shall not be brought within the operation of such Act or byelaws by reason of anything in this section.

Approval of plans and sections.

73.—(1.) The approval by the Corporation of any plan and section of new buildings shall be null and void if the execution of the work shown in such plan and section be not commenced within three years from the date of such approval and at the expiration

of that period fresh notice deposit and approval shall unless the Corporation otherwise determine be requisite.

(2.) The Corporation shall give notice of the provisions of this section to every person intending to erect a new building the plans and sections for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced.

(3.) The foregoing provisions of this section shall apply to plans and sections of new streets.

74. No building which was not at the passing of this Act occupied as a dwelling-house and no new building shall be so occupied until the drainage thereof shall have been made and completed and a proper water supply shall have been laid on thereto nor until a certificate shall have been granted to the owner by the surveyor that such house is in every respect in accordance with the byelaws and requirements for the time being in force. Provided that if the surveyor shall fail to give such certificate within twenty-one days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime have specified to the owner which of the aforesaid byelaws and requirements have not been complied with with respect to such building then such building shall be thenceforth deemed to be in every respect in accordance with the aforesaid byelaws and requirements and may be occupied as a dwelling-house and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or shall allow to be occupied and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding ten shillings.

Certificate required that houses fulfil certain requirements.

75.—(1.) The owner or owners of any existing or future court or passage or of any part thereof shall flag or pave such court or passage or part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging or paving and drain in good repair to the satisfaction of the Corporation and if any such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this enactment he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty of ten shillings and the Corporation may themselves do the work and recover the expense incurred by them in that behalf from such owner or owners summarily or as private improvement expenses.

Courts and passages to be paved drained &c.

A.D. 1890.

(2.) For the purposes of this section flagging and paving shall include asphalt and cements of a quality in each case approved by the Corporation.

Amendment of Public Health Act as to byelaws for air space.

76. Notwithstanding anything contained in section one hundred and fifty-seven of the Public Health Act 1875 no alteration or addition shall without the consent of the Corporation be made to any building whether erected before or after the Local Government Acts came into force within the borough which in the event of the existing air space about such building being less than the minimum prescribed by any byelaw would still further limit or reduce such air space or which in the event of the air space about such building being greater than the minimum prescribed by any byelaw would reduce such air space below the minimum prescribed by such byelaw.

Crossings for horses or vehicles over footways.

77. Every owner or occupier of premises desirous of forming a communication for horses or vehicles across any footway so as to afford access to his premises from any street shall give at least seven days notice in writing to the Corporation of his intention to do so and shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the surveyor. Any owner or occupier who makes default in complying with the provisions of this section shall be liable to a penalty not exceeding five pounds.

Penalty on persons driving across footways.

78. Any person who in any street drives or causes to be driven any cart waggon carriage or other vehicle across over along or on any footway (whether paved or not) except over the part thereof on which a carriage crossing has been constructed shall for every such offence be liable to a penalty not exceeding five pounds in addition to the amount of damage if any thereby occasioned such amount to be recovered in like manner as penalties under this Act may be recovered.

Exemptions.

79. There shall be exempted from so much of the provisions of this Act as relates to buildings—

(A.) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service :

(B.) Every building (not being a dwelling-house) belonging to a railway company and used by such company as a part of or in connection with their railway. A.D. 1890.

PART VIII.—SLAUGHTER-HOUSES.

80. Licenses granted after the passing of this Act for the use and occupation of places as slaughter-houses or knackers' yards shall be in force for such time or times only as the Corporation shall think fit to specify in such licenses. Duration of licenses for slaughter-houses.

81. Until the Corporation shall have provided public slaughter-houses the following enactment shall be in force:—
Upon any change of occupation of any building within the borough registered or licensed for use and used as a slaughter-house the person thereupon becoming the occupier or joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds: Notice to be given in case of change of occupation of a slaughter house.

Notice of this enactment shall be endorsed on all licenses hereafter granted and no prosecution for an offence against this section shall be commenced until the Corporation shall have given at least one month's notice of the existence of such enactment by advertising the same in two or more local newspapers circulating in the borough and by distributing handbills as widely as may be reasonably practicable among the occupiers of slaughter-houses in the borough.

82. If within two years after the passing of this Act sufficient slaughter-houses shall not have been provided by the lord of the manor of Sheffield in addition to the slaughter-houses situate at Waingate the Corporation may themselves provide slaughter-houses under the powers contained in section one hundred and sixty-nine of the Public Health Act 1875 notwithstanding any rights powers or privileges of the said lord of the manor or of any other person for that purpose. Power of Corporation to establish slaughter-houses.

83. From and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the borough of notice to the effect that they have provided slaughter-houses no person shall except with their consent slaughter any cattle within a radius of two miles from the parish church of Sheffield except in such slaughter-houses and any person acting in contravention of this section shall be liable for each offence to a penalty not exceeding five pounds Provided that the Corporation shall pay or tender compensation to the owner and occupier of any Slaughtering prohibited except in Corporation slaughter-houses when provided.

A.D. 1890. — slaughter-house existing at the passing of this Act and closed under the provisions of this section the amount of such compensation in case of dispute to be settled in manner provided by the Lands Clauses Acts for settling cases of disputed compensation :

Provided also that this section shall not apply to any person slaughtering his own cattle on his own premises.

PART IX.—OVERHEAD WIRES.

Byelaws for prevention of danger from telegraph wires &c.

84.—(1.) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose.

(2.) By such byelaws provision may be made for the inspection and examination by the Corporation of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3.) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Corporation under this section.

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

A.D. 1890.

(5.) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (hereinafter referred to as "an existing work") And the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed.

(6.) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connection with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway other than public streets which cross any railway on the level.

85. If during the said period of five years any existing work is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

As to existing telegraph wires &c.

86. It shall not be lawful for any person to fix or place any post wire tube or other similar apparatus (other than wires tubes or other apparatus for telegraphic telephonic or any electrical or railway signalling purpose) above ground over across or along any street without the consent in writing of the Corporation which consent may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restrictions on placing wires &c. other than telegraph wires &c. over across or along streets.

A.D. 1890.

Telegraph
&c. com-
munications
between
offices of
Corporation.

87. The Corporation may from time to time provide and maintain for their offices waterworks and other establishments including the stations of any volunteer or other fire brigades and the private residences of the firemen thereof such telegraphic or telephonic or other electrical communication between such parts of the borough as they may deem fit but such communications shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon Her Majesty's Postmaster-General by the Telegraph Acts 1863 to 1885 and in relation to any such telegraphs or telephones or other electrical communications the Corporation shall for the purposes of the Telegraph Act 1863 be deemed to be and shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones or other electrical communications of any streets or court under their own management:

Provided always that the Corporation shall not place any works under in upon or along any railway railway station works streets roads or approaches belonging or leased to or occupied by any railway company except with the consent of such company which consent shall not be unreasonably withheld and such works or any works over or across the said railway roads or approaches shall be executed to the reasonable satisfaction of such company and under the superintendence of their engineer and in case of any difference arising thereout or out of any application for such consent as aforesaid the same shall be determined by an engineer to be appointed upon the application of either party by the Board of Trade.

Saving for
posts wires
&c. of Post-
master-
General.

88. Nothing in this part of this Act shall extend or apply to any posts wires tubes or other property of Her Majesty's Postmaster-General.

Saving for
works of
electric
lighting
undertakers.

89. Nothing in this part of this Act shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of the said Acts apply.

PART X.—POLICE REGULATIONS.

Penalty on
breach of
conditions of
license
granted
under section
ninety-one of

90. Where any place has been licensed for music dancing or other public entertainment under the provisions of section ninety-one of the Sheffield Corporation Act 1883 (relating to the granting of such licenses) the holder of such license shall in case of any breach or disregard of any of the terms or conditions upon or subject to

which the license was granted be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding one pound and such license shall be liable to be revoked by the order of any court of summary jurisdiction.

A.D. 1890.
Sheffield Corporation Act 1883.

91.—(1.) Within two months after the date of the passing of this Act the justices of the borough shall at a special meeting to be duly summoned by their clerk fix a date for the expiration in each year of all licenses to be granted or renewed by them under section ninety-one of the Sheffield Corporation Act 1883 after the date of such meeting.

Licenses to be granted till fixed date in each year.

(2.) After such date has been fixed the justices shall grant or renew licenses only till the next occurrence of such fixed date and notwithstanding anything contained in the said section ninety-one of the Sheffield Corporation Act 1883 such license shall only be in force till such fixed date.

(3.) The justices may from time to time alter such fixed date at a meeting specially convened for the purpose.

PART XI.—MISCELLANEOUS.

92. In the Sheffield Corporation Act 1883 the word "owner" shall have the meaning assigned to it by the Public Health Act 1875.

Definition of word "owner" in Sheffield Corporation Act 1883.

93.—(1.) In all cases where any person or owner shall be legally required by the Corporation by virtue of Parts IV. or VI. of this Act to erect any building or do any other work then and in any such case the cost of such work shall in the first instance be paid by the Corporation and the same or such portion thereof as shall under the provisions of this Act be payable by the owner or person so required to do the work shall either be repaid at once to the Corporation or such person or owner may at his own option repay the same by equal half-yearly instalments extending over a period of at least but not exceeding seven years with interest at five pounds per centum per annum upon the amount from time to time unpaid. And the Corporation if any of such instalments become three months in arrear shall for the purpose of recovering and enforcing payment thereof have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 or otherwise as if they were mortgagees having powers of sale and of appointing a receiver. The person or owner by whom any instalments are for the time being payable under the provisions of this section may at any time pay the balance for the time being due from him with interest up to the date of such payment.

As to expenses of persons required to erect buildings &c.

A.D. 1890.

(2.) The Corporation shall keep an alphabetical register of the names of all persons by whom any instalments are payable under the provisions of this section and the same shall be open to the inspection of any person upon payment of a fee not exceeding one shilling.

Extension of sections 116 to 119 (inclusive) of Public Health Act.

94. The provisions contained in sections one hundred and sixteen to one hundred and nineteen (both included) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Making of sluice doors in and cleansing of weirs &c.

95.—(1.) The Corporation may after one month's written notice under the hand of the town clerk given to the owner and occupier of any weir or other contrivance for making a dam in any river within the borough whether made for the purpose of diverting such river or for any other purpose do all or any of the following things:—

(A.) Construct and fix in such weir or contrivance a sluice door or sluice doors of such dimensions and in such position or positions as the Corporation shall think fit with necessary appliances for opening and closing the same:

(B.) Cleanse the dam caused by such weir or other contrivance of all accumulations of mud earth or rubbish therein.

(2.) The Corporation shall pay the cost of all the works required for constructing and fixing any such sluice door or sluice doors and of keeping the same in repair and also the cost of cleansing the dam caused by any such weir or other contrivance.

(3.) Any person who wilfully obstructs the Corporation in executing the works authorised to be done by this section or in keeping in repair any such works shall be liable to a penalty not exceeding forty shillings.

(4.) The Corporation shall not open any sluice door or sluice doors or take any other steps for cleansing any dam in any such river as aforesaid except at times when the level of the water in the river is at least six inches above the crest of the weir belonging to the dam or dams about to be cleansed and in doing any act or carrying out any works in cleansing any such dam they shall take all reasonable precautions to protect the owner and occupier of the dam from being deprived of the maximum supply of water to which he may be entitled under or by virtue of the Sheffield Waterworks Acts 1853 to 1887.

(5.) The Corporation shall make full compensation to the owner and occupier of any such dam for any loss or injury he or they may sustain by reason of the exercise of any of the powers of

A.D. 1890.

this section the amount of such compensation unless agreed on between the parties to be ascertained in manner provided by the Lands Clauses Acts for settling cases of disputed compensation by a single arbitrator to be appointed by the President of the Institution of Civil Engineers.

96. Whenever by or in pursuance of the Sheffield Corporation Act 1883 or this Act or any byelaw under either of those Acts in force within the borough any work act or thing is required to be done by any owner occupier or other person and default is made therein or if any such work act or thing is in the opinion of the surveyor improperly or insufficiently done the Corporation may cause such work act or thing to be executed re-executed or done (as the case may require) and the expenses incurred by the Corporation in any such case or incidental thereto shall be repaid to them by the person making default in the execution or doing of or improperly or insufficiently executing or doing such work act or thing as the case may be notwithstanding any penalty may be imposed on such person by any Act or byelaw and such amount may be recovered in a court of summary jurisdiction.

Power to execute works &c. in default of persons liable.

97.—(1.) Any instrument (including a notice order resolution requisition declaration consent approval disapproval demand or other document) made given delivered or served by the Corporation under this or any other Act or any byelaw shall be sufficiently authenticated by the signature of the town clerk treasurer surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto on behalf of the Corporation.

Form and service of notices by Corporation.

(2.) Where any such instrument is required to be given to or served on the owner or occupier of any premises and his name and address cannot be ascertained it shall be sufficient to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the premises concerned.

(3.) Any such instrument may be served on any such owner occupier or other person either personally or on his known agent by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last-known place of abode or business or by delivering the same to some inmate at his last-known or usual place of abode or business or in case of an occupier

A.D. 1890.

to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof on some conspicuous part of such premises Provided that where any such instrument is required to be served on any railway company incorporated by Act of Parliament such instrument shall be served at the office of the secretary of such company or forwarded to him by post in a letter addressed to the head office of the said company.

Expenses of execution of Act.

98. All expenses of the execution by the Corporation of this Act which are not expressly provided for shall be defrayed by the Corporation out of the borough rate or general district rate as having regard to the objects of the expenditure they may deem proper.

Recovery and application of penalties &c.

99. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered summarily and penalties recovered by the Corporation under this Act or any such byelaw shall be carried to and applied as part of the borough fund or of the district fund as the Corporation from time to time determine.

Appeal to quarter sessions.

100. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate license consent or approval of or by the Corporation or of or by any officer 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 Provided that where under this Act an appeal lies from a requirement of the Corporation to a court of summary jurisdiction in the first instance an appeal shall not lie to a court of quarter sessions in the first instance under this section Provided also that nothing in this Act shall take away or prejudice the right of appeal to the Local Government Board given by section two hundred and sixty-eight of the Public Health Act 1875.

General saving for Corporation.

101. Nothing in this Act shall take away abridge or prejudicially affect any right power authority duty estate or interest of the Corporation under the Municipal Corporations Acts or the Public Health Acts and every such right power authority duty estate and interest may be had enjoyed exercised and performed by the Corporation as fully and effectually as if this Act had not been passed.

[53 & 54 VICT.] *Sheffield Corporation Act, 1890.* [Ch. ccxxv.]

102. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall be paid by the Corporation out of the funds and rates under their control.

A.D. 1890.
Costs of Act.

A.D. 1890.

SCHEDULE to the foregoing Act.

PRIVATE STREET WORKS.

PART. I.

PARTICULARS TO BE STATED IN SPECIFICATIONS PLANS AND SECTIONS
ESTIMATES AND PROVISIONAL APPORTIONMENTS.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connections (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

PUBLICATION OF NOTICE.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in two principal local newspapers circulating within the borough and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.