

### CHAPTER cxxviii.

An Act to confirm two agreements made by the Mayor Aldermen and Burgesses of the County Borough of Cardiff for the acquisition and appropriation to public objects of Cathays Park to empower the said Mayor Aldermen and Burgesses to construct new tramways in the said Borough and to work the same and other tramways hereafter acquired by them and for other purposes. A.D. 1898.  
[25th July 1898.]

**W**HEREAS the mayor aldermen and burgesses of the county borough of Cardiff (herein-after called "the Corporation") have made an agreement (a copy of which is set forth in Part I. of the First Schedule to this Act) dated the fourteenth day of April one thousand eight hundred and ninety-seven with the Most Honourable John Patrick Crichton Stuart Marquess of Bute and Earl of Dumfries (herein-after called "the marquess") conditional on the passing of a Bill to confirm the same for the purchase by the Corporation from the marquess of the lands within the borough in this Act defined as Cathays Park amounting altogether to about sixty acres :

And whereas by one of the articles of the said agreement the Corporation are bound to promote in the present session and to use their best endeavours to procure the passing into law of a Bill to confirm the said agreement and also the agreement next herein-after mentioned and to authorise the marquess and the trustees of the will of the late marquess the Corporation and all other necessary parties (if any) to carry out the sale and purchase of the said lands upon the terms contained in the said agreement :

And whereas by an agreement (a copy of which is set forth in Part II. of the said First Schedule) of even date with the said agreement the Corporation have (subject to confirmation by the Bill aforesaid) arranged terms with the company of proprietors of the Glamorganshire Canal Navigation (herein-after called "the

A.D. 1898. Glamorganshire Canal Company") with respect to extending the bridge carrying a road known as the North Road over the canal of the company and with respect to other matters :

And whereas it will be of public and local advantage if the said agreements are confirmed and carried into effect :

And whereas the said lands to be acquired by the Corporation under the said agreement between the marquess and the Corporation are held subject to the limitations of the will of the Most Honourable John Crichton Stuart late Marquess of Bute and Earl of Dumfries (herein-after called "the late marquess") which will and subsequent devolutions of the trust estate are (so far as material to this Act) recited in the preambles to the Bute Docks (Transfer) Act 1886 and the Bute Docks Act 1895 :

And whereas Frederick Pitman one of the term trustees mentioned in the Bute Docks Act 1895 died on the seventh day of September one thousand eight hundred and ninety-six :

And whereas the term trustees are now the Honourable Henry Dudley Ryder and Lord Edmund Bernard Talbot :

And whereas the estate trustees are now the said Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder :

And whereas the only persons now interested in or entitled to the lands and other property under the limitations contained in the said will (other than encumbrancers lessees or others whose interests are in no way affected by this Act) down to and including the first tenant in tail of full age are the following (that is to say) :—

The said Honourable Henry Dudley Ryder and Lord Edmund Bernard Talbot the term trustees ;

The said Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder the estate trustees ;

The marquess who is tenant for life ;

The Honourable John Crichton Stuart Earl of Dumfries eldest son of the marquess who is the first tenant in tail in remainder and is an infant ;

Lord Ninian Edward Crichton Stuart second son of the marquess who is tenant in tail in remainder after the estates aforesaid and is an infant ;

Lord Colum Edmund Crichton Stuart third son of the marquess who is tenant in tail in remainder after the estates aforesaid and is an infant ;

Lady Margaret Crichton Stuart the only daughter of the marquess who is tenant in tail in remainder after the estates aforesaid and is the first tenant in tail of full age :

And whereas Her Majesty has been pleased to grant a charter of incorporation to the University of Wales and the Corporation



have recently presented a memorial under their common seal praying the chancellor and members of the court of the university to place the office of the university registrar in the county borough of Cardiff: A.D. 1898.

And whereas on the completion of the purchase by this Act authorised the Corporation are prepared and it is expedient to empower them to grant sites in Cathays Park for the registry of the University of Wales and for the University College of South Wales and Monmouthshire and for offices for the county council of the administrative county of Glamorgan and to erect and furnish a town hall law courts and other public buildings and to offer facilities to educational and other public bodies for the erection of buildings for their accommodation in the park:

And whereas a fine art and industrial exhibition was held at Cardiff in the year one thousand eight hundred and seventy and the balance of profit arising therefrom was invested in forty twenty-five pound shares of the Cardiff Theatre Company Limited which with the dividends thereon now stand in the names of Thomas James Waller and Edward Payne trustees thereof:

And whereas the said Edward Payne died on the twelfth day of October one thousand eight hundred and ninety-six leaving the said Thomas James Waller surviving trustee and having made his will probate whereof was granted on the twenty-second day of January one thousand eight hundred and ninety-seven to Lavinia Scandrett the executrix named in his said will:

And whereas the only bodies or persons claiming or who have claimed to be interested in the said shares and dividends are the Cardiff Museum Committee the Cardiff Free Libraries Committee the committee appointed to carry out the provisions of the Technical Instruction Acts 1889 and 1891 in Cardiff and the committee of the Cardiff Infirmary and it has been arranged between those respective committees that the said shares and dividends should be transferred to the Corporation in order that the Corporation may sell the said shares and distribute the proceeds and any dividends received in respect thereof in four equal portions between the said committees and it is expedient that this arrangement be carried into effect subject to the satisfaction by the Corporation of any existing liabilities (if any) attaching to the said shares and dividends:

And whereas by section 32 of the Cardiff Corporation Act 1884 (in this Act called "the Act of 1884") the Corporation were authorised to contribute the principal sum of ten thousand pounds to the University College of South Wales and Monmouthshire and by a resolution of the Corporation passed on the tenth day of March 47 & 48 Vict  
c. ccxxii.

A.D. 1898. — one thousand eight hundred and eighty-four it was resolved that four hundred pounds per annum should be paid to the said college by way of interest until the said sum of ten thousand pounds should be paid :

And whereas by a judgment of Mr. Justice Romer in the case of the Attorney-General v. the Mayor of Cardiff delivered on the seventeenth day of April one thousand eight hundred and ninety-four it was decided that such payment of interest was illegal :

And whereas the said principal sum of ten thousand pounds has since been paid and it is expedient to empower the Corporation to pay to the said college the sum of one thousand six hundred and twenty-three pounds sixteen shillings and eightpence being the amount which but for the said decision would have been payable by way of interest between the thirtieth day of September one thousand eight hundred and ninety-one and the twenty-second day of October one thousand eight hundred and ninety-five the date of payment of the said principal sum of ten thousand pounds :

And whereas various tramways have been constructed in the borough by the Cardiff Tramways Company Limited (herein-after called "the Cardiff Company") or by the Provincial Tramways Company Limited (herein-after called "the Provincial Company") under the powers of the following Orders (that is to say) :—

34 & 35 Vict.  
c. clxxxix.  
36 & 37 Vict.  
c. cxvii.  
41 & 42 Vict.  
c. clxiii.

The Cardiff Tramways Order 1871;

The Cardiff Tramways Order 1873;

The Cardiff Tramways Extensions Order 1878;

(which Orders are herein-after called "the Orders of 1871 to 1878")

47 & 48 Vict.  
c. cxii.

The Cardiff Tramways Extensions Order 1884 (herein-after called "the Order of 1884");

48 & 49 Vict.  
c. lxvi.

The Cardiff Tramways Extensions Order 1885 (herein-after called "the Order of 1885");

and by the Cardiff District and Penarth Harbour Tramways Company Limited under the powers of the following Orders (that is to say) :—

43 & 44 Vict.  
c. clxxii.

The Cardiff District and Penarth Harbour Tramways Order 1880; and

48 & 49 Vict.  
c. lxvi.

The Cardiff District and Penarth Harbour Tramways (Extensions) Order 1885;

which tramways (in this Act referred to as "the existing tramways") the Corporation are empowered by virtue of those respective Orders and the Tramways Act 1870 to purchase :

And whereas it is expedient that the Corporation be empowered to construct the tramways herein-after described and to run carriages thereon and on the existing tramways as and when they purchase the same and to demand and take tolls and charges in



respect of the use of such carriages and to use on the said tramways mechanical power and that provision be made as in this Act contained for the simultaneous purchase of the tramways authorised by the Orders of 1871 to 1878 and the Order of 1884 and the Order of 1885 : A.D. 1898.

And whereas the Corporation have provided in the parish of Canton in the said borough an infectious diseases hospital which is known as the Sanatorium and it is expedient that they be authorised to acquire additional lands for the purposes thereof :

And whereas it is expedient that the Corporation be authorised to acquire lands for the construction of stations for generating electric energy and for widening Albany Road :

And whereas in view of the increasing demands on the library rate it is expedient that the limit of that rate as authorised by the Public Libraries Act 1855 should be extended :

And whereas under the Act of 1884 as amended by the Cardiff Corporation Act 1894 (in this Act called "the Act of 1894") the Corporation are empowered to exercise their statutory borrowing powers by the creation and issue of redeemable stock provided that all such stock shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock : 57 & 58 Vict.  
c. clxi.

And whereas it is expedient to modify the provisions of the said Acts so as to enable the Corporation if they see fit to issue stocks bearing different rates of dividend :

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purposes of this Act :

And whereas it is expedient to make such other provisions as this Act contains :

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

And whereas estimates have been prepared showing that the Corporation will or may require to borrow for the following purposes the respective sums following (that is to say) :—

For the purchase of Cathays Park any sum not exceeding one hundred and sixty-one thousand pounds ;

For the erection of a new town hall and law courts any sum not exceeding two hundred thousand pounds ;

For enclosing and making roads bridges and sewers in and in connexion with Cathays Park any sum not exceeding forty-four thousand pounds ;

For the construction of tramways any sum not exceeding two hundred and sixty-one thousand five hundred and ten pounds :

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And whereas an absolute majority of the whole number of the members of the council at a meeting held on the sixth day of December one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Western Mail* and the *South Wales Daily News* local newspapers 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 be charged as to one moiety thereof on the borough fund and borough rate and as to the other moiety thereof on the district fund and general district rate :

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

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

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the *Public Health Act 1875* (Schedule III.) have 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 *Cardiff Corporation Act 1898.*

Act divided into Parts.

2. This Act is divided into Parts as follows (that is to say) :—

Part I.—Preliminary.

Part II.—Cathays Park.

Part III.—Tramways.

Part IV.—Lands.

Part V.—Finance and Rates.

Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say) :—

The *Lands Clauses Acts* ;

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the *Tramways Act 1870* ;

as far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act: A.D. 1898.

Provided that the provisions of section 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line of the Postmaster-General subject to the following condition (that is to say) That all works executed by the Corporation in pursuance of that section in relation to any lowering or alteration of the telegraphic lines of the Postmaster-General or to the provisions of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Corporation. The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

4. In this Act unless the subject or context otherwise require the following words and expressions shall have the following meanings (that is to say):— Interpretation.

"Cathays Park" means the portion of Cathays Park and the other lands and easements to be purchased by the Corporation from the marquess and the Glamorganshire Canal Company under the powers of this Act;

"The borough" means the county borough of Cardiff;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the town council of the borough;

"The mayor" means the mayor of the borough;

"The town clerk" and "the treasurer" respectively mean the town clerk and the treasurer of the borough;

"The borough fund" and "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

"The loans fund" means the loans fund established under the Act of 1884 and the Act of 1894;

"The stock redemption fund" means the fund established for the redemption of stock created and issued by the Corporation under the regulations of the Local Government Board;

"Tramway revenue" means and includes all moneys received for or in relation to the tramways other than borrowed moneys and other moneys which ought to be carried to the account of capital;

"Mechanical power" includes steam electric and every other motive power not being animal power;

"Engine" includes motor;



A.D. 1898.      “Channels” means and includes channels passages and tubes for ropes cables wires and electric lines;  
                   “‘The tramways’” means the tramways authorised by this Act;  
                   “‘The Corporation tramways’” means and includes the tramways and such of the existing tramways as are from time to time or at any time acquired by the Corporation:

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings.

Execution of Act.      5. This Act shall be carried into execution by the Corporation acting by the council.

## PART II.—CATHAYS PARK.

Confirmation of scheduled agreement with the marquess.      6.—(1.) The agreement between the marquess and the Corporation as the same is set out in Part I. of the First Schedule to this Act is hereby confirmed and made binding on the parties thereto and all parties interested in the lands and property devised by the will of the late marquess and the marquess the trustees of the will of the late marquess the Corporation and all other necessary parties are hereby authorised and empowered to and shall carry the same agreement into effect.

(2.) This Act shall be deemed full authority for the reconveyance provided for in Article 4 of the said agreement The sum of four thousand pounds payable to the Corporation under that article shall be paid into the stock redemption fund and be applied by the Corporation in the redemption of stock created and issued by them.

Saving estate clause.      7. Saving always to the Queen’s most Excellent Majesty and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to or out of the hereditaments devised by the will of the late marquess and every part thereof as they or any of them had before the passing of this Act.

The following persons are excepted from the general saving in this Act (that is to say):—

- (1) The Honourable Henry Dudley Ryder and Lord Edmund Bernard Talbot and the trustees for the time being of the trust term;
- (2) Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder and the estate trustees for the time being;
- (3) John Patrick Crichton Stuart Marquess of Bute;



- (4) The Honourable John Crichton Stuart commonly called Earl of Dumfries and the heirs of his body ; A.D. 1898.
- (5) The Honourable Ninian Edward Crichton Stuart commonly called Lord Ninian Crichton Stuart and the heirs of his body ;
- (6) The Honourable Colum Edward Crichton Stuart commonly called Lord Colum Crichton Stuart and the heirs of his body ;
- (7) The Honourable Margaret Crichton Stuart commonly called Lady Margaret Crichton Stuart and the heirs of her body ;
- (8) Sons and daughters hereafter to be born of the said John Patrick Crichton Stuart Marquess of Bute and the heirs of their respective bodies ;
- (9) And all other persons interested under the will of John Crichton Stuart Marquess of Bute ;
- (10) The heirs of the said John Crichton Stuart Marquess of Bute :

And accordingly the several persons named or designated or described in this section are bound by this Act.

8. With respect to Cathays Park the Corporation shall have the following powers and shall be subject to the following restrictions (that is to say):—

Powers and restrictions with respect to Cathays Park.

- (1) They may grant and convey as a free gift to the University of Wales or to any body of persons on behalf of that university either in perpetuity or for a term of years a site for the erection of buildings suitable for the university registry including a residence or residences for the registrar or any other university official :
- (2) They may grant and convey to the county council of the administrative county of Glamorgan either as a free gift or upon such other terms and conditions as the Corporation deem desirable and either in perpetuity or for any term of years a site for the erection of buildings for the offices of the said county council :
- (3) They may also either with or without any pecuniary or other consideration grant and convey or lease any lands in Cathays Park either in perpetuity or for any term of years or upon such other terms and conditions as they think fit or by way of exchange to the said University College of South Wales and Monmouthshire or to any body of persons on their behalf or to any educational or other public or local authority institution or body as and for a site or sites for the erection of buildings or other purposes in connexion therewith together with any drainage or other easements :

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(4) They may erect and maintain in Cathays Park a town hall law courts and other municipal or public offices or other buildings :

(5) All the restrictions conditions and obligations imposed on the Corporation by the said recited agreements respectively shall be observed and performed by the Corporation and in particular the restrictions and stipulations in the said agreement with the marquess contained with respect to the premises thereby agreed to be sold and the user thereof shall be binding on and enforceable against all persons whomsoever claiming through or under the Corporation in perpetuity whether as purchasers lessees or otherwise and whether with or without notice of such restrictions conditions and obligations :

(6) Sections 34 and 35 of the Cardiff Corporation Act 1894 shall extend and apply to Cathays Park in the hands of the Corporation.

Confirmation of scheduled agreement with Glamorgan-shire Canal Company.

9. The agreement between the Glamorganshire Canal Company and the Corporation as the same is set out in Part II. of the First Schedule to this Act is hereby confirmed and made binding on the respective parties thereto.

Extinguishing public rights over portion of North Road.

10. All public rights over so much of the North Road or any land on the side thereof to the westward of a red line drawn from the point X to the point Z shown on the plan signed by Sir James Bevan Edwards the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred are hereby extinguished.

### PART III.—TRAMWAYS.

Power to make tramways.

11. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain wholly in the county borough of Cardiff the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings and passing places stables carriage engine boiler and dynamo houses storage battery and transformer houses waiting rooms sheds buildings motor cars carriages horses harness tramway plant engines dynamos storage battery and transformer works machinery and conveniences connected therewith respectively :

The following are the tramways :—

Tramway Number 1 (a double line about 2 miles 1 furlong 5·35 chains in length) commencing at a point in Clarence Road



opposite the western side of Harrowby Street and continuing thence along Clarence Road Clarence Bridge Corporation Road across Penarth Road along Clare Road across Tudor Street along Clare Street Lower Cathedral Road across Cowbridge Road and along Cathedral Road and terminating at a point in Cathedral Road opposite the south-eastern side of Berthwin Street : A.D. 1898.

Tramway Number 2 (a double line about 1 furlong 6·80 chains in length) commencing at a point in Clare Street opposite the south-eastern side of Neville Place by a junction with the intended Tramway Number 1 and continuing thence along Neville Street and terminating at a point in Neville Street about 0·50 chain measured in a south-easterly direction from the lamp post standing at the junction of Cowbridge Road and Neville Street :

Tramway Number 3 (a double line about 3 furlongs 5·05 chains in length) commencing in Clare Street by a junction with the intended Tramway Number 1 at a point in line with the northern side of Tudor Street and continuing thence along Tudor Street Wood Street Bridge and Wood Street and terminating at a point in Wood Street opposite Great Western Lane :

Tramway Number 4 (a double line about 1·10 chains in length) commencing in Clare Road at a point about 1 chain measured in a southerly direction from the junction of Tudor Street with Clare Road proceeding thence in a north-easterly and easterly direction and terminating by a junction in Tudor Street with the intended Tramway Number 3 at a point about 1·30 chains from the said point of commencement of the said Tramway Number 3 :

Tramway Number 5 (about 7 furlongs 7·40 chains in length whereof 7 furlongs 2·90 chains will be double and 4·50 chains will be single) commencing at a point in Park Place about 1 chain northward of the centre of the street tramway in Queen Street opposite the before-mentioned Park Place and continuing thence along Park Place across Corbett Road and along Colum Road and terminating in the said Colum Road at the junction thereof with North Road :

Tramway Number 6 (a double line about 2 furlongs 1·06 chains in length) commencing at a point in Portmanmoor Road opposite the centre of Menelaus Street and continuing thence along and terminating in Portmanmoor Road at a point opposite the northern side of Bridgend Street :

Tramway Number 7 (about 3 miles 0·70 chain in length whereof 2 miles 1 furlong 1·29 chains will be double and 6 furlongs

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9·41 chains will be single) commencing in Portmanmoor Road at the termination of and by a junction with the before-mentioned Tramway Number 6 and continuing thence along Portmanmoor Road Walker Road Splott Road Splott Road Bridge Pearl Street Clifton Street Copper Street Star Street Planet Street Glossop Road across Newport Road along Castle Road Albany Road Wellfield Road Pen-y-lan Road and Ninian Road and terminating at the junction of the said Ninian Road with Fair Oak Road :

Tramway Number 8 (about 1 mile 2 furlongs 9·80 chains in length whereof 7 furlongs 5·08 chains will be single and 3 furlongs 4·72 chains will be double) commencing in Clifton Street at a point 0·15 of a chain or thereabouts southward of the southern side of Ruby Street by a junction with the before-mentioned Tramway Number 7 and continuing thence along Clifton Street Broadway Newport Road Albany Road and Pen-y-lan Road and terminating in the said Pen-y-lan Road by a junction with the said Tramway Number 7 at a point about 1 chain or thereabouts measured in a southerly direction from the southern side of Ninian Road.

The tramways herein-before referred to will be of the gauge of four feet eight and a half inches The Corporation shall not run thereon carriages or trucks adapted for use upon railways.

For protec-  
tion of Car-  
diff District  
and Penarth  
Harbour  
Tramway  
Company.

12.—(1.) In the construction of Tramway Number 1 across the existing tramway belonging to the Cardiff District and Penarth Harbour Tramway Company the same shall be constructed and maintained in accordance with a plan to be approved by the engineer for the time being of the said company and under the superintendence and to the reasonable satisfaction of the said engineer at the cost of the Corporation.

(2.) Neither the Corporation nor the company shall permit any cars to stop on the said crossing neither shall either of them in any way interfere with or obstruct the traffic upon the existing or intended tramway.

(3.) If by reason of the execution of any of the works of the Corporation or the failure of any such works or any act or omission of the Corporation or of their servants the existing tramway of the said company be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own expense.

(4.) If the company shall hereafter double the line of their said existing tramway or adapt the same for the use thereon of electricity steam or other mechanical power and it shall be found that the cost of any such doubling or adaptation is increased by reason of the



existence at the said crossing of the said Tramway Number 1 such increased cost shall be paid by the Corporation to the company. A.D. 1898.

(5.) In the event of any difference between the Corporation and the said company or the engineer of the said company touching any of the foregoing provisions the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870.

13.—(1.) In the construction of Tramways Numbers 1 7 and 8 respectively across or alongside the existing tramways belonging to the Cardiff Company the same shall be constructed and maintained in accordance with plans to be approved by the engineer for the time being of that company and under the superintendence and to the reasonable satisfaction of the said engineer at the cost of the Corporation. For protection of Cardiff Tramway Company Limited.

(2.) If by reason of the execution of any of the works of the Corporation or the failure of any such works or any act or omission of the Corporation or of their servants the existing tramways of the Cardiff Company be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own expense.

(3.) In the event of any difference between the Corporation and the Cardiff Company or the engineer of the Cardiff Company touching any of the foregoing provisions the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870.

14. Notwithstanding anything in this Act contained the Corporation shall not make or construct any part of the Tramway Number 5 herein-before described between the point of commencement of the said tramway in Park Place and the junction of Park Place aforesaid with St. Andrew's Place without the consent in writing of the Park Hall and Hotel Company Limited their successors or assigns and of a majority in number at the time of obtaining such consent of the owners and occupiers of hereditaments and premises having a frontage to Park Place aforesaid between the said commencement of the said tramway and the said junction of Park Place and St. Andrew's Place. For protection of Park Hall and Hotel Company Limited and others.

15. Notwithstanding anything in this Act contained the following provisions for the protection of the Great Western Railway Company (in this section called "the Great Western Company") shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say):— For protection of Great Western Railway Company.

(A) Where any tramway by this Act authorised will pass over or under any railway bridge belonging to the Great Western

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Company or where in making altering and removing any crossings passing places sidings junctions and other works in addition to those particularly specified in this Act the said bridges may be interfered with the same shall be constructed under the superintendence and to the reasonable satisfaction of the Great Western Company (unless after notice to be given by the Corporation fourteen days at least before the commencement of the work such superintendence is refused or withheld) and in accordance with plans previously submitted to and approved by the Great Western Company and in the event of any difference arising between the Great Western Company and the Corporation in accordance with plans approved by the Board of Trade and if the Great Western Company shall not give notice to the Corporation of their disapproval of the plans within fourteen days after the same shall have been submitted to them they shall be deemed to have approved the same :

(B) No part of Tramway Number 7 where it passes on or over the bridge carrying Splott Road over the railway of the Great Western Company or within twenty feet thereof shall be used as a turnout :

(c) The Corporation shall from time to time be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railways or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Corporation or of any person in their employ or of the contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission :

(D) The Corporation shall pay the cost of such additions to or alterations in the earth or metallic circuits of the Great Western Company as the Board of Trade may consider necessary to prevent interference with the signals and apparatus of the Great Western Company by reason of the tramways crossing over or under the bridges belonging to that Company being worked by electrical power.

Period for  
completion  
of works.

**16.** The tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.



**17.** No part of the tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

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Inspection  
by Board of  
Trade.

**18.** If and whenever after the passing of this Act the Corporation alter the level of any road along or across which any part of any of the tramways is laid or authorised to be laid they may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered and any costs incurred in carrying out any such alteration of the tramway consequent upon the alteration of any road shall in the first instance be defrayed out of the income derived from tramways.

Tramways to  
be kept on  
level of sur-  
face of road.

**19.** In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purposes of constructing laying down maintaining and renewing any of the tramways (except for the purpose of making necessary repairs) lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively (except for the purposes aforesaid) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Further pro-  
visions as to  
construction  
of tramways.

**20.** The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of  
tramways.

**21.** The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. The tramways of the Corporation for the purposes of this section shall include any tramways purchased by the Corporation.

Penalty for  
not main-  
taining rails  
and roads.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct

A.D. 1898. — an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Passing places to be constructed where less than a certain width left between footway and tramway.

22. Where in any road in which a double line of tramway is laid there shall be a less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

23. The Corporation may subject to the provisions of this Act make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Corporation tramways or for providing access to any warehouses stables or carriage-houses depôts engine-houses generating stations or works of the Corporation Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Application of road materials excavated in construction of works.

24. Any paving metalling or material excavated by the Corporation in the construction of the tramways from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they think fit.

Apportionment of cost of constructing tramways &c.

25. The Corporation may apportion the cost of constructing the tramways and the adjoining paving and other subsidiary works in connexion therewith or contingent thereon between the tramways and the highways departments respectively in such a manner as may appear to them fair and equitable.

Temporary tramway to be made where necessary.

26. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient



temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct on the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued. A.D. 1898.

27. The Corporation after they shall have acquired the existing tramways by purchase may make such alterations of the existing tramways or any part or parts thereof and may execute all such works on or in connexion therewith and in over or under the streets or roads in which the same are laid as may be necessary or expedient for adapting the same to be worked by electrical mechanical or other power: Power to adapt existing tramways for working by mechanical power.

And any expenses incurred by the Corporation under this section shall be deemed to be for purposes to which they are by the Tramways Act 1870 empowered to apply the local rate.

28.—(1.) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages and trucks on and may work and may demand and take tolls and charges in respect of any of the Corporation tramways and in respect of the use of such carriages and trucks and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences and may construct and place in on and under any streets all such works poles posts brackets wires and appliances as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange and dispose of such of the before-mentioned articles and things as may be no longer required for such working or use but nothing in this Act shall empower the Corporation to construct any station for generating electric power except on the lands described in the Second Schedule to this Act nor to create or permit a nuisance. Power to Corporation to work tramways.

(2.) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

29. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no Rates for passengers.

A.D. 1898. — case shall the Corporation be bound to charge a less sum than twopence.

Passengers' luggage.

30. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Animals goods small parcels &c.

31. The Corporation may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following:—

*Animals.*

For every horse mule or other beast of draught or burden fourpence per head per mile;

For every ox cow bull or head of cattle threepence per head per mile;

For calves pigs sheep and small animals one penny halfpenny per head per mile:

*Goods.*

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence per ton per mile;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs twopence halfpenny per ton per mile;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile;

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile;

For every carriage of whatever description under one ton, in weight tenpence per mile with the additional charge of twopence per mile per quarter of a ton over one ton in weight:

*Small Packages.*

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;



For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence; A.D. 1898.

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Corporation may think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight:—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Corporation may think fit not exceeding one shilling per ton per mile;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Corporation may think fit:

#### *Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than two miles the Corporation may demand rates and charges as for two miles;

For the fraction of a ton the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech ash or other hard wood and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

**32.** The Corporation shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any animals minerals materials parcels or goods. Corporation not bound to carry goods.

A.D. 1898.

As to fares  
on Sundays  
or holidays.

Cheap fares  
for labouring  
classes.

**33.** The Corporation shall not take or demand on Sundays Good Fridays Christmas Days or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

**34.** The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier (except on Saturdays) than five in the evening respectively as the Corporation think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Corporation nevertheless not being required to take any fare less than one penny) The Corporation on Saturdays in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as they deem most convenient to the said persons Provided also that in case of any complaint made to the Board of Trade of the hours appointed by the Corporation for the running of such carriages the said Board shall have power to fix and regulate the same.

Periodical  
revision of  
rates and  
charges.

**35.** If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough or by the Corporation that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Corporation.



**36.** The carriages used on the Corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

A.D. 1898.  
Provisions as to motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the Corporation tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical power on the Corporation tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public; may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

**37.** The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

Special provisions as to use of electric power.

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes

A.D. 1898.

structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

- (3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.



**38.** In the event of the Corporation tramways or any part thereof being worked by any electrical power system other than some overhead system or some system by which such electrical power is entirely contained in and carried along in the vehicles using the Corporation tramways the following provisions shall have effect:—

A.D. 1898.  
For protec-  
tion of Car-  
diff Gas Light  
and Coke  
Company.

- (A) Whenever the Cardiff Gas Light and Coke Company their successors or assigns (herein-after referred to as "the company") shall for any of the purposes of their undertaking require to lay down repair alter or remove any pipe or other apparatus for the supply of gas under any of the Corporation tramways or any electric mains cables or apparatus of the Corporation used for the purpose of or in connexion with the said Corporation tramways then and in every such case if the company give to the Corporation twenty-four hours notice (and for the purpose of this notice Sundays Christmas Days Good Fridays shall be considered dies non) in writing of their desire so to lay down repair alter or remove any such pipe or apparatus the Corporation shall forthwith at the time and place stated in such notice provide such skilled or other labour as may be necessary for the proper carrying out of the work which may be requisite for opening so much of such tramway or roadway as is specified in such notice or in any plan accompanying the same and the Corporation shall be liable to the exoneration of the company for all accidents which may occur during the opening and reinstatement of the said tramway or roadway and for all costs charges damages or expenses relating to or arising out of any such accidents but not further or otherwise:
- (B) All reasonable costs and expenses which may be incurred by the Corporation in the carrying out of such work and in refilling any excavation and making good any part of the surface of such tramway which may have been properly excavated or broken up for the purpose of such work shall be borne and paid by the company:
- (C) Provided always that the company shall do all such work as may be necessary in the laying relaying repairing renewing or removing of all mains pipes or apparatus for the supply of gas under such tramway and shall be responsible to the exoneration of the Corporation for all accidents which may occur in or through the carrying out of such work and for all costs charges damages or expenses relating to or arising out of any such accidents:
- (D) In all cases in which such notice shall have been duly given the provisions of this subsection shall be in lieu of the provisions

A.D. 1898.

of section 32 of the Tramways Act 1870 or of any Order under which the Corporation tramways have been constructed and from the time of the giving of such notice as aforesaid the provisions of any such Act or Order shall cease to apply to the work specified in such notice :

(E) Nothing in this Act shall in any other case except where such notice shall be given as aforesaid in any way alter or affect the existing rights liberties and privileges of the company of interfering with the Corporation tramways as the same have been heretofore exercised and enjoyed by the company.

byelaws.

**39.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment  
of Tramways  
Act 1870 as  
to byelaws by  
Corporation.

**40.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the Corporation with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.



41. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

A.D. 1898.  
Orders &c. of  
Board of  
Trade.

42. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of  
penalties.

43. In the event of any of the tramways of the Corporation being worked by electric power the following provisions shall have effect:—

Provisions  
for protec-  
tion of  
Postmaster-  
General.

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3)—(A) Before any electric line is laid down or any act or work for working the tramways by electric power is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight or less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time

A.D. 1898.

be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration:

- (4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the



application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act : A.D. 1898.

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

(11) The expression "the Corporation" in this section includes their lessees and any persons owning working or running carriages on any of the Corporation tramways.

44. The Corporation may for the purposes of their tramways acquire by agreement or take on lease any quantity of land not exceeding at any one time ten acres and may hold the same and may erect thereon offices stables carriage and engine sheds and other buildings appliances and conveniences in connexion with any tramways worked by them by animal or mechanical power but nothing in this section shall empower the Corporation to construct any station for generating electricity or to create or permit a nuisance. Power to acquire lands by agreement for tramway purposes.

45.—(1.) The Corporation shall twelve months prior to the thirty-first day of December one thousand nine hundred and one give notice in accordance with the provisions of the Tramways Act 1870 and section 28 of the Order of 1884 and section 27 of the Order of 1885 to the Cardiff Company requiring that company to sell on and as from the said thirty-first day of December the tramways respectively authorised by the Orders of 1871 to 1878 and the Order of 1884 and the Order of 1885 together with the lands depôts buildings rolling stock horses plant and equipment connected with or used for the purposes of such tramways respectively whether the same be the property of the Cardiff Company or the Provincial Company but such notice shall not include the rolling stock horses plant and equipment used for the purposes of the omnibus business of the said companies or either of them. As to purchase of tramways.

(2.) Notwithstanding anything contained in sections 43 and 44 of the Tramways Act 1870 or section 28 of the Order of 1884 or section 27 of the Order of 1885 such notice shall be given and shall have full force and effect by virtue of this Act without the passing of any resolutions or proceedings as required by those sections or any consent thereby required.

(3.) Such notice shall as regards the tramways authorised by the Orders of 1871 to 1878 have effect as if the same had been given within six months after the expiration of one of the periods mentioned in section 43 of the Tramways Act 1870 and the tramways authorised by those Orders shall be purchased by the Corporation

A.D. 1898. — upon the terms prescribed by section 43 of the Tramways Act 1870 And such purchase shall (subject to the provisions of this section) for all purposes including the payment of the purchase money and the expenses incurred by the Corporation in connexion with the purchase be deemed to be a purchase under the provisions of section 43 of the Tramways Act 1870 notwithstanding the non-compliance by the Corporation with the provisions of such section relative to the passing of resolutions and otherwise and notwithstanding that the Corporation may not have obtained any consent thereby required.

(4.) The undertaking authorised by the Order of 1884 shall be purchased by the Corporation upon the terms prescribed by section 28 of that Order and the undertaking authorised by the Order of 1885 shall be purchased by the Corporation upon the terms prescribed by section 27 of that Order Provided always that the amount of the purchase moneys payable in respect of the undertakings mentioned in this subsection shall (in case of difference between the said companies or either of them and the Corporation) be determined by the referee to be nominated by the Board of Trade under the provisions of section 43 of the Tramways Act 1870 to assess the values of the tramways respectively authorised by the Orders of 1871 to 1878 and not otherwise.

(5.) The depôts of the Cardiff Company or the Provincial Company at Wood Street and Severn Road shall be sold with the tramways authorised by the Orders of 1871 to 1878 upon the terms prescribed by section 43 of the Tramways Act 1870 and the depôt at Lucas Street with the undertaking authorised by the Order of 1884.

(6.) The purchase of all the said tramways lands depôts buildings rolling stock horses plant and equipment shall be simultaneously completed on the said thirty-first day of December one thousand nine hundred and one and the Corporation shall not use or open for traffic any of the tramways by this Act authorised until after that date Such purchase shall include all the interest of the Provincial Company in the premises and the Cardiff Company and the Provincial Company shall respectively execute and do all necessary deeds acts and things for vesting the same in the Corporation If the purchase shall not be completed on the said thirty-first day of December the Corporation shall pay interest on the purchase money as from that date at the rate of five pounds per centum per annum and as from that date until the date of actual completion the Cardiff Company shall in the ordinary course of business carry on the undertakings as agents for and on account of the Corporation and shall in so doing observe the reasonable requirements of the Corporation and if any difference shall arise between the Corporation and the Cardiff Company in relation to



such requirements the same shall be settled by an arbitrator to be nominated unless otherwise agreed on by the Board of Trade. A.D. 1898.

(7.) The referee to be nominated by the Board of Trade to assess the price of the said undertakings may be so nominated at any time after the giving of the notice mentioned in subsection (1) of this section.

(8.) The terms "promoters of the undertaking" in the Lands Clauses Acts shall for the purposes of section 28 of the Order of 1884 and section 27 of the Order of 1885 be construed to mean the Corporation.

**46.** The Corporation and any person may enter into and fulfil contracts and agreements for and in relation to the lease of the whole or any part of the tramways in consideration of such gross sum or sums rent or rents and generally upon such terms and conditions as may be agreed on between the contracting parties. Any such gross sum or sums of money payable to the Corporation under the provisions of this section shall be applied in discharge of moneys borrowed by the Corporation for the construction or for the purposes of their tramways but shall not be applied in payment of instalments or in payments to the sinking fund except to such extent and upon such terms as the Local Government Board may approve and any borrowed money so discharged shall not be re-borrowed and any such rent or rents shall be carried to the credit of tramway revenue. Lease &c. of the tramways.

**47.** The Corporation on the one hand and the Cardiff District and Penarth Harbour Tramways Company Limited on the other hand may enter into agreements for or in relation to all or any of the following purposes (that is to say):—

- The maintenance and management of
- The use and working of
- The exercise of running power over
- The interchange of traffic on
- The supply under any agreement for any tramway of the Corporation being worked and used by the said company of rolling stock or motive power and plant necessary for the purposes of such agreement
- The fixing subject to the authorised rates and charges and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic on
- their respective tramway undertakings.

Power to enter into working agreements with Cardiff District and Penarth Harbour Tramways Company.

**48.** Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of As to conveyance of mails.

A.D. 1898. Mails Act 1893 shall extend and apply to all the tramways of the Corporation as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

Provision as to general Tramway Acts.

49. Nothing in this Act contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Act.

#### PART IV.—LANDS.

Power to take lands.

50. Subject to the provisions of this Act the Corporation may enter upon and take compulsorily or by agreement all or any part of the lands described in the Second and Third Schedules to this Act and delineated on the deposited plans and described in the deposited book of reference and may use the same for the purposes specified in those schedules with respect to those lands respectively Provided that notwithstanding anything shown on the deposited plans the Corporation shall not acquire any portion of the land belonging to the Marquess of Bute on the south-western side of Portmanmoor Road situate north-westward of a line drawn at right angles to the said road at a point 3 · 50 chains from the north-western boundary of the said land as shown on the deposited plans.

Correction of errors &c. in deposited plans and book of reference.

51. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices (not being members of the council) for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Glamorgan and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.



**52.** The powers of the Corporation for the compulsory purchase of lands shall not be exercised for the purposes of this Act after the expiration of three years.

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Limitation of time for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

**54.**—(1.) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2.) For the purposes of this section the expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**55.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lands.

A.D. 1898.

Proceeds of  
sale of sur-  
plus lands.

**56.** So long as any properties remain to be acquired by the Corporation under the authority of Parliament and the Corporation have unexhausted borrowing powers which may be reduced to the extent of the money so to be applied the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired but as to moneys so received and not required as aforesaid the same shall be applied in extinguishment of any loan borrowed by the Corporation or be added to the loans fund or the stock redemption fund established and formed by the Corporation in respect of the stock out of which were acquired the properties so sold leased or let. Provided that such moneys when applied in such extinguishment shall not be applicable to the payment of instalments or to payments required to be made to the sinking fund loans fund or stock redemption fund except to such extent and upon such terms as may be approved by the Local Government Board. Provided also that borrowed money so discharged by the application of such moneys shall not be re-borrowed. The borrowing powers of the Corporation by this Act authorised shall be reduced to the extent of the amounts applied in the purchase of properties under the provisions of this section.

The amount of the proceeds arising from such resale leasing or letting which the Corporation apply to such purchase shall be credited to the fund charged with the cost of the lands so resold leased or let and shall be debited to the fund on which the cost of the lands so purchased was authorised to be charged.

Corporation  
may use  
their own  
lands for  
purposes of  
Act.

**57.** The Corporation may with the consent of the Local Government Board appropriate and use for any of the purposes of this Act but subject to the provisions (if any) under which such lands were acquired any lands from time to time vested in them and forming part of their corporate estate but nothing in this section shall empower the Corporation to construct any station for generating electric energy nor to create or permit a nuisance.

As to con-  
sent of Local  
Government  
Board to sale  
&c. of lands.

**58.** Nothing in this Part of this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition of any lands of the Corporation in any case in which the consent of that Board would have been required if this Act had not been passed.

#### PART V.—FINANCE AND RATES.

Power to  
borrow.

**59.** The Corporation may from time to time in addition to any moneys they are now authorised to borrow by this or any other Act or which they may be authorised to borrow under the provisions of



any public general Act borrow on mortgage at interest on the following securities and for the following purposes the following sums (that is to say) :—

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—

On the security of the borough fund and borough rate and of the district fund and general district rate—

- (A) For paying the costs of this Act as herein-after defined the sum necessary for the purpose ;
- (B) For the purchase of Cathays Park any sum not exceeding one hundred and sixty-one thousand pounds ;
- (C) For the erection of a new town hall and law courts any sum not exceeding two hundred thousand pounds ;
- (D) For enclosing making roads bridges and sewers in and in connexion with Cathays Park any sum not exceeding forty-four thousand pounds :

On the security of the tramway revenue and the borough fund and borough rate—

For the construction of the tramways any sum not exceeding two hundred and sixty-one thousand five hundred and ten pounds ;

For the purchase of the lands described in the Second Schedule to this Act the sum necessary for the purpose ;

For tramway purposes such sum as the Board of Trade may sanction :

On the security of the borough fund and borough rate—

For paying the said interest money to the University College of South Wales and Monmouthshire the sum of one thousand six hundred and twenty-three pounds sixteen shillings and eightpence :

On the security of the district fund and general district rate—

For the purchase of the lands described in the Third Schedule of this Act the sums necessary for the purpose :

For any of the purposes aforesaid (other than tramways) and for the furnishing the town hall and the law courts the Corporation may borrow such further sums as in each case may from time to time be sanctioned by the Local Government Board and for the purposes of securing the repayment of such moneys the Corporation may mortgage or charge the fund or rate which having regard to the objects of expenditure in each case they may (with the approval of the Local Government Board) consider to be properly applicable thereto :

In calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned :

One half of the sums borrowed for the purposes (A) (B) (C) and (D) above mentioned shall be charged on the borough fund and

A.D. 1898. — rate and the other half of such sums shall be charged on the district fund and general district rate :

The total amount which can be borrowed under the powers of this Act shall not exceed eight hundred and fifty thousand pounds.

Provisions  
as to mort-  
gages.

**60.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

- Section 236 (Form of mortgage) ;
- Section 237 (Register of mortgages) ;
- Section 238 (Transfer of mortgages) ; and
- Section 239 (Receiver may be appointed in certain cases).

Incorpo-  
rating certain  
provisions of  
Act of 1894.

**61.** The provisions of the Act of 1894 contained in the following sections (that is to say) :—

- Section 93 (As to repayment of borrowed moneys) ;
- Section 94 (Power to re-borrow) ;
- Section 95 (Annual return to Local Government Board with respect to sinking fund) ;
- Section 96 (Application of borrowed moneys) ;
- Section 97 (Corporation not to regard trusts) ;
- Section 98 (For protection of lenders) ;
- Section 99 (Power to borrow under Local Loans Act 1875) ; and
- Section 108 (Audit of accounts) ;

and the provisions of the Act of 1884 contained in Part XI. (Corporation stock) as amended by the Act of 1894 and by this Act shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to all moneys borrowed under the powers of this Act Provided as follows (that is to say) :—

(1) In construing the provisions of section 93 (As to repayment of borrowed moneys) of the Act of 1894 for the purposes of this Act the prescribed periods for the repayment of moneys borrowed under the powers of this Act shall be the following to be calculated in all cases from the date of the borrowing of such moneys (that is to say) :—

As to moneys borrowed for paying the costs of this Act any period not exceeding ten years ;

As to moneys borrowed for the purchase of Cathays Park any period not exceeding sixty years ;

As to moneys borrowed for the erection of buildings any period not exceeding fifty years ;

As to moneys borrowed for enclosing making roads bridges and sewers in or in connexion with Cathays Park any period not exceeding forty years ;

As to moneys borrowed for the construction of tramways any period not exceeding thirty years ;



As to moneys borrowed for tramway purposes such period as the Board of Trade may sanction ; A.D. 1898.

As to moneys borrowed for the purchase of lands any period not exceeding sixty years ;

As to moneys borrowed for paying the said interest money to the University College of South Wales and Monmouthshire any period not exceeding thirty years ;

As to moneys borrowed with the sanction of the Local Government Board within such period not exceeding sixty years as that Board may in each case sanction :

(2) The first payment to an instalment or to a sinking fund shall be made within twelve months after the date of the borrowing of the money in respect of which such payment is to be made :

(3) The Stamp Act 1891 shall be substituted for section 53 of the Inland Revenue Act 1880 in sub-division A of the Third Schedule of the Act of 1884.

**62.**—(1.) Notwithstanding anything contained in the Act of 1884 or in any other Act the Corporation may from time to time by resolution of the council create and issue redeemable stock bearing such rate of dividend as shall be determined and fixed by the resolution of the council creating any portion of stock and such rate of dividend need not be one and the same but may be different for stock created by different resolutions of the council. Power to issue new redeemable stocks.

(2.) Short particulars of the rate of dividend attached to such issue of stock shall be added to the designation of all stock issued by the Corporation after the passing of this Act thus or to the like effect "Cardiff Corporation two and a half per cent. (or as the case may be) Redeemable Stock."

(3.) Notwithstanding anything contained in the Act of 1884 or in any other Act any portion of stock created by any resolution of the council after the passing of this Act shall be redeemable at the option of the Corporation at par after the expiration of such period not exceeding sixty years from the date of creation as shall be fixed by the resolution creating such portion of stock.

(4.) The Corporation shall establish a separate loans fund in respect of each class of stock which bears the same rate of dividend but subject to the provisions of this section all the provisions of the Act of 1884 as amended by the Act of 1894 shall apply to each class of stock.

(5.) No part of the loans fund established for the purposes of the Act of 1884 or the Act of 1894 shall be applied in purchasing or redeeming any stock created under the powers of this section nor

A.D. 1898. shall any loans fund established for the purpose of this section be applied in purchasing or redeeming any stock created under the Act of 1884 or the Act of 1894.

Disposal of  
balance of  
receipts from  
Fine Art &c.  
Exhibition  
of 1870.

**63.**—(1.) The forty twenty-five pound shares in the Cardiff Theatre Company Limited representing the balance as aforesaid of the Fine Art and Industrial Exhibition held at Cardiff in the year one thousand eight hundred and seventy and now standing in the names of Thomas James Waller and Edward Payne shall as soon as may be after the passing of this Act be transferred by the said Thomas James Waller as such surviving trustee as aforesaid his executors or administrators (who are respectively hereby authorised so to do) without the concurrence of the said Lavinia Scandrett to the Corporation together with the sum of four hundred and seventy pounds four shillings and sevenpence being the balance of the dividends received by the said Thomas James Waller after payment of certain costs incurred by him in connexion with the said trust and the receipt by the Corporation for the said shares and the said sum shall be a full discharge to the said Thomas James Waller from any claim or demand in respect thereof and the Corporation shall on the completion of the said transfer sell the said shares and distribute the proceeds thereof and any dividends received in respect of the said shares in four equal portions between the Cardiff Museum Committee the Cardiff Free Libraries Committee the committee appointed to carry out the provisions of the Technical Instruction Acts 1889 and 1891 in Cardiff and the committee of the Cardiff Infirmary whose respective receipts under the hands of their respective chairmen treasurers or clerks shall as between the said several committees and the Corporation be a full discharge to the Corporation from all liability whatsoever in respect of the said shares and moneys transferred to them as aforesaid.

(2.) The moneys to be received by the said committees respectively under this Act shall be applied by them to any purposes to which other moneys coming to their hands respectively are or may be applicable.

(3.) The Corporation shall satisfy all liabilities (if any) which attach to the said shares and dividends at the passing of this Act not exceeding in amount the value of the said shares.

Power to  
pay interest  
unpaid on  
10,000*l.*  
granted to  
University  
College of  
South  
Wales.

**64.** The Corporation may pay to the University College of South Wales and Monmouthshire the sum of one thousand six hundred and twenty-three pounds sixteen shillings and eightpence being the amount payable by way of interest on the principal sum of ten thousand pounds contributed to the said college by the Corporation under the Act of 1884 which interest from the first day of September one thousand eight hundred and ninety-one to the twenty-second



day of October one thousand eight hundred and ninety-five the date of payment by the Corporation of the principal sum aforesaid remains unpaid.

A.D. 1898.

**65.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such of them as are properly chargeable to capital and payable out of borrowed moneys shall be paid as follows (that is to say):—

Expenses of execution of Act.

Expenses incurred under the provisions of Part II. of this Act as to one half out of the borough fund and borough rate and as to the other half out of the district fund and general district rates;

Expenses incurred for or in relation to tramways out of the tramway revenue and if in any year that revenue be insufficient for the purposes to which it is applicable the deficiency shall be made up out of the borough fund and borough rate;

Expenses incurred for any other purpose out of the borough fund and borough rate:

And all moneys (other than borrowed moneys and moneys received for the sale or exchange of lands or by way of fine or premium on leases or otherwise in the nature of capital) received by the Corporation under the powers of this Act for or in relation to the following purposes shall be carried to the credit of the following funds (that is to say):—

Moneys received for or in relation to the use of the tramways to the credit of the tramway revenue;

Moneys received for all other purposes as to one half to the credit of the district fund and as to the other half to the credit of the borough fund and to the proper account in those respective funds.

**66.** The limit of the amount of the library rate in any one year is hereby extended from one penny in the pound to one penny halfpenny in the pound on the annual value of the property rated.

Increase of library rate.

**67.** The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation as to one half thereof out of the borough fund and borough rate or out of moneys borrowed on the security thereof and as to the remaining half thereof out of the district fund and general district rate or out of moneys borrowed on the security thereof under the provisions of this Act.

Costs of Act.

A.D. 1898.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

AGREEMENT made this fourteenth day of April one thousand eight hundred and ninety-seven between THE MOST HONOURABLE JOHN PATRICK CRICHTON STUART MARQUESS OF BUTE AND EARL OF DUMFRIES K.T. (herein-after referred to as "the marquess" which expression shall unless the context requires a different construction include his assigns and other the person or persons from time to time entitled to or interested in the estates in the county of Glamorgan subject to the limitations contained in the last will of John Crichton Stuart late Marquess of Bute and Earl of Dumfries deceased the father of the Marquess) of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF CARDIFF (herein-after referred to as "the Corporation" which expression shall unless the context requires a different construction include the successors and assigns of the Corporation) of the other part whereby it is agreed as follows:—

1. Subject as herein-after expressed the marquess shall sell and the Corporation shall purchase first all that piece of land forming the larger part of Cathays Park in the town of Cardiff containing fifty-eight acres or thereabouts delineated and edged green upon the plan Number 1 hereto annexed and herein-after sometimes referred to as "the park" by which expression the said piece of land edged green is to be understood Second all those two pieces of land to the south of Cathays Park aforesaid containing one acre three roods and fifteen perches or thereabouts and edged red upon the Plan Number 2 hereto annexed Third the necessary easements for constructing the bridge over the Bute Docks feeder mentioned in Article 8 hereof and for carrying the widening of the North Road mentioned in Article 10 hereof over the same feeder.

2. The purchase money for the whole of the said premises shall be the sum of one hundred and fifty-eight thousand five hundred pounds and shall be paid on the fourteenth day of December one thousand eight hundred and ninety-eight on which day the purchase shall be completed and if from any cause whatever other than the wilful default of the vendor or defect in the title the



purchase money shall not be wholly paid on that day the Corporation shall pay to the marquess interest at the rate of four pounds per centum per annum from that day until actual payment upon so much of the purchase money as shall remain unpaid. A.D. 1898.

3. The title to the premises hereby agreed to be sold being the same as the title to the piece of land lately purchased by the Corporation for the purpose of a site for a museum and having been investigated on behalf of the Corporation on the occasion of such purchase the Corporation will not require any abstract or evidence of title prior to the twelfth day of March one thousand eight hundred and ninety-five (being the date of such purchase) other than a declaration by the solicitor for the time being of the marquess stating the fact of the said titles being the same. The marquess will within one month after the passing of the Act of Parliament hereafter referred to furnish to the Corporation an abstract of all documents (if any) subsequent in date to the said purchase affecting the title to the premises.

4. Inasmuch as the purchase by the Corporation of the lands hereby agreed to be sold will render it unnecessary for them to retain the piece of land purchased by them and conveyed to them under and by virtue of an indenture bearing date the twelfth day of March one thousand eight hundred and ninety-five and made between the said marquess of the first part the Honourable Edmund Bernard Talbot and the Honourable Henry Dudley Ryder of the second part and the mayor aldermen and burgesses of the county borough of Cardiff of the third part the Corporation shall on the completion of the said purchase of the lands hereby agreed to be sold convey to the trustees of the will of the late Marquess of Bute (at the cost of the Corporation) the piece of land so purchased by them as aforesaid free from incumbrances to be held by those trustees subject to the same limitations and with the same powers as the same were subject to under the will of the late Marquess of Bute immediately before the purchase thereof by the Corporation or such thereof as shall be then subsisting and capable of taking effect and upon the execution of such conveyance the purchase money of four thousand pounds paid by the Corporation for the said piece of land shall be repaid but without interest or costs. Provided always that this present Article is subject to the Corporation obtaining the consent of the Local Government Board or the authority of Parliament for such reconveyance as aforesaid. The purchase money of the land agreed to be resold to the trustees of the will of the late Marquess of Bute as aforesaid shall be paid on the fourteenth day of December one thousand eight hundred and ninety-eight immediately upon the completion of the conveyance of the lands hereby agreed to be sold to the Corporation and if from any cause other than the wilful default of the Corporation or defect in their title such purchase money shall not be wholly paid on that day the marquess shall pay to the Corporation interest at the rate of four pounds per centum per annum from that day until actual payment upon so much of the purchase money as shall remain unpaid.

5. The Corporation shall not use the said park or any building to be erected thereon and shall at all times prevent the same from being used for the purpose of any private dwelling-house hotel restaurant or lodging-house office or place for carrying on any trade profession or business for profit or

A.D. 1898. — for any manufacturing or similar process whether carried on for profit or otherwise :

Provided that the foregoing restriction shall not be deemed or construed to prevent—

- (a) The erection and use of dwellings for park-keepers caretakers or other like officials of the Corporation in connexion with the park ;
- (b) Residence in any institution which may be erected in the park of officials or caretakers of such institution ;
- (c) Residence in any school or college which may be erected in the park of masters and pupils as boarders in such school but so that the erection or use of boarding or lodging-houses other than the actual school or college shall not be permitted ;
- (d) The making generation or production of any motive or lighting agency or power for use within the park but not elsewhere ;
- (e) The reasonable sale of refreshments including alcoholic liquors to persons frequenting the park or any law court or other public building to be erected thereon ;
- (f) Operations in the nature of manufactures carried on solely for the purposes of any exhibition or scientific demonstration or illustration or for the purpose of technical or other instruction ;
- (g) The erection and use of public baths although charges may be made for the use thereof.

6. The Corporation shall maintain in perpetuity the present avenue in the park consisting of two lines of trees on either side and extending from the point marked M to the point marked N upon the said Plan Number 1 except such trees as come within the line of the new road to be formed as herein-after mentioned and also the trees on the eastern side of the park adjoining Park Place between the points marked respectively O and P upon the said Plan Number 1 and also the lines of trees on the western side of the park adjoining North Road between the points marked respectively C and Q upon the said Plan Number 1 and for that purpose shall plant and properly protect fresh trees in the said avenue and the other places before mentioned in the place or stead of any trees which may from time to time die or be destroyed accidentally or otherwise Provided always that it shall be lawful for the Corporation notwithstanding the restrictions herein-before contained to remove any trees which it may be actually necessary to remove for the purpose of the construction of roads to be formed in or across the park and which may be so designed as to cross any of the lines of trees herein-before mentioned as nearly as may be at right angles and not in any other manner Provided also that before removing any tree or trees under the provision lastly herein-before contained the Corporation shall give to the principal agent of the marquess in Glamorganshire fourteen days notice in writing of their intention so to do with a plan sufficiently indicating the tree or trees proposed to be removed and if within such period of fourteen days such agent shall send to the town clerk or borough engineer notice in writing of his disapproval of any such proposed removal the same shall not be carried out unless a single arbitrator to be appointed failing agreement by the President for the time being of the Institution of Civil Engineers in



London shall award that the road for the construction of which any such tree or trees shall be proposed to be removed is such a road as to comply in all respects with the requirements of these presents and that the removal of such tree or trees is necessary for the construction thereof and such arbitrator shall have power to determine by whom the costs of and incidental to the determination of the question shall be paid. A.D. 1898.

7. The Corporation shall within twelve calendar months after the date herein fixed for the completion of the purchase of the park form and metal and open to the public a new road of at least the width of sixty feet from the North Road to Park Place in the place marked "New Road" upon the said Plan Number 1 and shall also plant trees to the reasonable satisfaction of the marquess over the whole of the land to be conveyed to them as aforesaid lying to the south of the said new road and striped with green lines upon the said Plan Number 1 and shall thereafter protect renew and maintain trees thereon in perpetuity.

8. The Corporation shall within two years after the date herein fixed for the completion of the purchase form a road and avenue in continuation of and of a similar character as regards kinds of trees and otherwise to the existing avenue before referred to from the said proposed new road to the North Road as to the portion thereof south of the Bute Docks feeder upon the ground striped with red lines upon the said Plan Number 2 such road to cross the Bute Docks feeder by means of a bridge to be constructed in accordance with plans to be submitted to and approved by and to the reasonable satisfaction of the marquess and shall within the time aforesaid open such road and bridge for the public use and thereafter maintain the same and the said avenue in perpetuity.

9. The Corporation shall widen the North Road to the extent shown by the yellow line upon the said Plan Number 1 but without removing any trees (which are to remain undisturbed upon the road as widened) and without interfering with the old building existing in the north-west corner of the piece of land marked "One acre reserved" on the said Plan Number 1.

10. The Corporation shall within the period of two years mentioned in Article 8 hereof widen the North Road by adding to it the space to the west of the black dotted line D E and R upon the said Plan Number 2 (removing for that purpose the buildings and wall now existing thereon) such widening where the existing road crosses the Bute Docks feeder to be carried out in such a way as not to interfere with or diminish the space for the flow of water in the said feeder and in accordance with a plan to be previously approved by and to the reasonable satisfaction of the marquess and such widening where the said road crosses the Glamorganshire Canal to be carried out upon terms to be previously arranged with the company of proprietors of the Glamorganshire Canal Navigation and the marquess shall have a right of building frontage to the widened portion of the North Road south of the Glamorganshire Canal.

11. The portion of the lands secondly herein-before described which is striped blue upon the said Plan Number 2 shall be planted by the Corporation

A.D. 1898. — with trees shrubs or flowers and maintained and preserved by them in perpetuity as an open space and no building or erection of any kind other than for the purpose of fencing the same shall at any time be erected thereon.

12. The Corporation shall forthwith upon taking possession of the park fence off by means of fences of a kind to be reasonably approved by the marquess between the points AB and BC respectively on the said Plan Number 1 the piece of land marked "One acre reserved" upon the said Plan Number 1 and thereafter maintain the same fences.

13. The Corporation shall before taking down the existing wall which divides the North Road from the space to be thrown into that road as herein-before agreed erect fences along the southern boundary of the park between the points DJ and KL respectively on the said Plan Number 1 and also between the points DE and EF and HI respectively on the said Plan Number 2 such fences to consist of unclimbable iron railings of a height of eight feet at least or in part of walls and railings combined not to be less than that height in the whole the design of fence to be adopted to be at the election of the marquess and a gateway or doorway of sufficient width for the passage of carts or carriages shall be constructed for the use of the marquess and all persons authorised or permitted by him in the fence between the points HI at such place as the marquess shall appoint with proper and convenient means of access thereto from the road and avenue to be formed upon the land striped red upon the said plan as aforesaid and there shall also be constructed between the points DE and EF such gateways or doorways as the marquess or the Bute Docks Company may require for the purpose of affording access to the Bute Docks feeder and all such gateways or doorways shall be under the control of the marquess and opened or locked as and when he may think fit subject nevertheless to any rights of access or otherwise of the Bute Docks Company and such fences gateways and doorways shall be constructed and maintained by the Corporation to the reasonable satisfaction of the marquess And the Corporation shall also construct to the reasonable satisfaction of the marquess bridge parapets or fences between the points JF and KH upon the said plan of such a character as effectually to prevent unauthorised access to or trespass upon the Bute Docks feeder or the banks thereof Provided that if the Corporation shall fail to construct such walls or fences gateways or doorways or other works of that nature or any of them to be constructed by them under this or the last preceding Article hereof or to maintain the same when constructed to the reasonable satisfaction of the marquess it shall be lawful for the marquess and all persons employed or authorised by him for the purpose from time to time as may be deemed necessary or proper to enter upon the premises and to execute and do all such works whether of construction or maintenance of the same as may be required for fully carrying out the intent and meaning of this and the last preceding Article and the cost thereof and all expenses connected therewith shall forthwith upon demand be paid by the Corporation to the marquess and in default shall be recoverable in any court of competent jurisdiction Provided always that if the marquess shall hereafter desire to



build upon or to let for building the land to the south-east of the line HI upon the said Plan Number 2 the marquess and the lessees and tenants of the marquess shall have a right of building frontage to the road and avenue to be formed as aforesaid along the line HI and for that purpose or any purpose connected with the use of the land last before mentioned for building to remove any fence or wall which may have been erected between the points H and I or to make such openings therein as may be thought fit. A.D. 1898.

14. The premises hereby agreed to be sold to the Corporation being subject to the limitations contained in the will of the late Marquess of Bute the said purchase money of one hundred and fifty-eight thousand five hundred pounds shall be paid to the persons who at the date of completion shall be the trustees with power of sale under that will and be held by them upon the trusts then applicable to moneys arising from the sale of estates sold under the power of sale contained in that will (but the Corporation shall not be concerned to see to such application) and the conveyance to the Corporation shall be subject to the terms of these presents and shall contain such covenants and provisions for giving effect to the same as the marquess or his counsel may reasonably require.

15. The Corporation shall in the session of Parliament to be holden in the year one thousand eight hundred and ninety-eight promote and use their best endeavours to procure the passing into law of a Bill to confirm this present agreement and a certain agreement of even date herewith entered into between the company of proprietors of the Glamorganshire Canal Navigation of the one part and the Corporation of the other part and to authorise the marquess and the trustees of the will of the late marquess of Bute the Corporation and all other necessary parties if any to carry out the sale and purchase hereby agreed upon the terms herein contained and such Bill shall contain all such provisions as may be necessary for fully carrying into effect the objects of this present agreement and the said agreement of even date herewith and securing the fulfilment thereof in all respects and in particular a provision to the effect that the restrictions and stipulations herein contained with regard to the user of the premises hereby agreed to be sold shall be binding upon and enforceable against all persons whomsoever claiming through or under the Corporation in perpetuity whether as purchasers lessees or otherwise and whether with or without notice of such restrictions and stipulations.

16. Subject to the provisions of such Bill being in accordance with the stipulations contained in this agreement and to its not containing any provisions disapproved by him the marquess shall at his own cost support the same and assist the Corporation to secure the passing thereof.

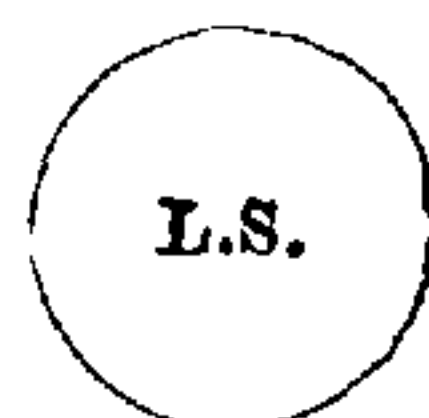
17. This present agreement shall be subject to such amendments as Parliament may see fit to make therein.

18. This agreement and anything herein contained is conditional upon such Bill as aforesaid being passed into law during the year one thousand eight hundred and ninety-eight and if the same shall not be passed this agreement shall cease to be binding upon the parties hereto or either of them.

A.D. 1896.

In witness whereof the said marquess hath hereunto set his hand and seal and the common seal of the Corporation was hereunto affixed the day and year first before written.

The common seal of the mayor  
aldermen and burgesses of the  
county borough of Cardiff was  
hereunto affixed in the presence  
of



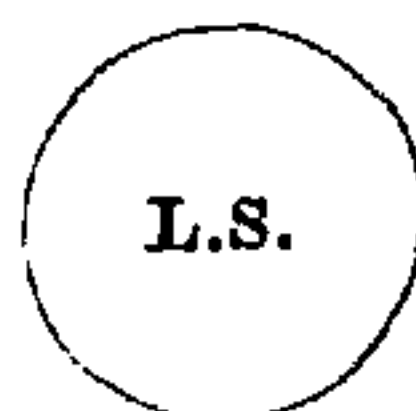
J. L. WHEATLEY  
Town Clerk.

Signed sealed and delivered by the  
above-named Marquess of Bute  
and Earl of Dumfries in the  
presence of

JOHN MAGEE Falkland Palace  
late of 1st Bn. H.L.I.  
Palace Guide.

W. THOMAS LEWIS Aberdare  
Civil Engineer.

BUTE AND DUMFRIES.



## PART II.

AN AGREEMENT made this fourteenth day of April one thousand eight hundred and ninety-seven between THE COMPANY OF PROPRIETORS OF THE GLAMORGANSHIRE CANAL NAVIGATION (herein-after referred to as "the company" which expression shall unless the context requires a different construction include their successors and assigns) of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF CARDIFF (herein-after referred to as "the Corporation" which expression shall unless the context requires a different construction include their successors and assigns) of the other part Whereas by an agreement of even date herewith made between THE MOST HONOURABLE JOHN PATRICK CRICHTON STUART MARQUESS OF BUTE AND EARL OF DUMFRIES K.T. (herein-after referred to as "the marquess") of the one part and the Corporation of the other part the Corporation have agreed with the marquess upon certain terms and subject as in the said agreement of even date herewith is expressed to purchase of the marquess (inter alia) the two pieces of land in the town of Cardiff surrounded with a red line upon the Plan Number 2 thereto annexed and to widen the road known as the North Road by



adding thereto the space to the west of the dotted line DER upon the said plan And whereas the land lying between the said two pieces of land to be acquired by the Corporation as aforesaid is the property of the company and is occupied by their canal and towing path and an approach to their towing path from the North Road as at present existing And whereas in order to carry out the widening of the North Road according to the intent of the said agreement of even date herewith the Corporation will have occasion to widen the bridge carrying the existing North Road over the canal and towing path of the company and have requested the company to grant them the necessary easement for that purpose And whereas certain questions have from time to time existed between the company and the Corporation as to the right of the company to construct a certain extension of the towing path and wharf on the eastern side of their canal up to the line XZ upon the Plan Number 3 hereunto annexed And whereas (subject as hereafter mentioned) the terms herein-after contained have been arranged between the Corporation and the company with reference to the matters aforesaid Now it is hereby agreed between the parties hereto as follows :—

1. This agreement shall have effect and be binding on the parties only in the event of the same being confirmed by Parliament as herein-after expressed.

2. The Corporation shall pay to the Company the sum of one thousand five hundred pounds and in consideration thereof and of the provisions of these presents with regard to other matters to be done or permitted by the Corporation the company shall grant to the Corporation the right or easement of extending the bridge carrying the North Road over the canal and other property of the company as far eastwards as the dotted line ER upon the said Plan Number 2.

3. The said sum shall be paid on the fourteenth day of December one thousand eight hundred and ninety-eight being the date appointed for the completion of the said purchase from the marquess and the grant of such easement as aforesaid shall be subject to the provisions of these presents.

4. The said widening and works shall be constructed and maintained by the Corporation in accordance with a plan and proper sections (all included under the word "plan" where hereafter used) to be previously submitted for the reasonable approval of the company and approved by them or such arbitrator as herein-after mentioned and so as not in any place to reduce the width of the canal or towing path and so as to afford at least as great a headway under the new or widened portion of the bridge as exists under the higher or eastern part of the present bridge carrying the North Road over the canal and towing path and as part of the works connected with such widening

A.D. 1898. — the Corporation shall construct (in a manner to be shown in such plan) an approach from the North Road as so widened as aforesaid which shall be at least as convenient as the existing approach.

5. During such widening the traffic on the canal and towing-path shall not be interfered with and the Corporation shall indemnify the company against any losses claims or demands arising from accident or otherwise occasioned by any of the operations of the Corporation.

6. The plan to be submitted for the approval of the company under Article 4 hereof shall be delivered to the engineer for the time being of the company or left at their office at the West Wharf Cardiff fourteen days at least before the work of widening shall be commenced and unless within the period of fourteen days after the delivery or leaving of the said plan the Company shall intimate in writing to the town clerk of Cardiff their disapproval thereof the plan may be taken to be approved but if disapproval shall be so intimated the work shall not be proceeded with until the question of the reasonableness or otherwise of such disapproval shall have been submitted to the arbitrament of a single engineer as arbitrator such engineer to be named failing agreement by the President for the time being of the Institution of Civil Engineers in London and the arbitrator shall have power to determine by whom the costs incidental to the determination of the dispute shall be paid.

7. It shall be lawful for the company at any time to extend the raised towing path or wharf along the eastern side of their canal up to the red line XZ upon the said Plan Number 3 and so maintain the same in perpetuity and the company shall construct and maintain in perpetuity a good and substantial wall to a height level with the said towing path from the point Z to the point X on the Plan Number 3 and the Corporation shall not construct any fence or division other than the said wall to be constructed by the company as aforesaid between the road and the property of the company.

8. The company in carrying out such extension will construct and thereafter maintain four bays or recesses in the manner and in the positions or nearly in the positions indicated and marked YYY on the said Plan Number 3 and of the dimensions shown thereon for the accommodation of carts loading or unloading goods from or upon the wharf or towing-path of the company.

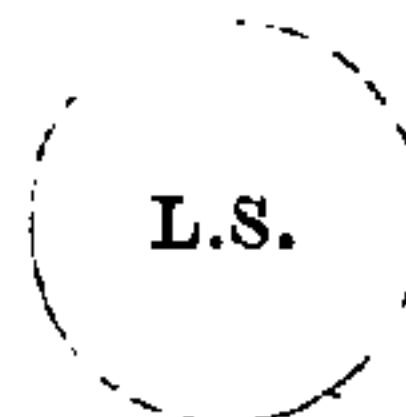
9. This present agreement shall be scheduled to the Bill to be promoted by the Corporation in pursuance of the said agreement of even date herewith and the Corporation shall use their best endeavours to cause the same to be confirmed by such Bill and the company shall at their own cost support the same and assist the Corporation to secure the passing thereof.

10. This agreement is subject to such modifications as Parliament may see fit to make therein but in case of any material alteration being made by the Committee on the Bill it shall be competent for either party to withdraw the same and in that event or if the said Bill shall not be passed in a session of Parliament held during the year one thousand eight hundred and ninety-eight this agreement shall be of no effect.



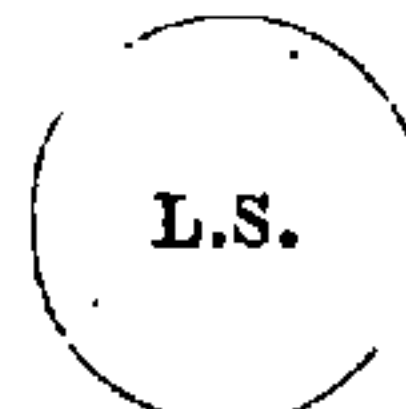
In witness whereof the parties hereto have hereunto caused their common seals to be affixed the day and year first above written. A.D. 1898.

The common seal of the company of proprietors of the Glamorganshire Canal Navigation was hereunto affixed in the presence of



JOHN STUART CORBETT  
Solicitor Cardiff.

The common seal of the mayor aldermen and burgesses of the county borough of Cardiff was hereunto affixed in the presence of



J. L. WHEATLEY  
Town Clerk.

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## THE SECOND SCHEDULE.

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### LANDS.

Lands to be used for stations for generating electric energy:—

Lands in the parish of Canton about three roods and nine perches in extent situate on the eastern side of Clare Road and bounded on the northern side by the Great Western Railway on the eastern side by lands the property of or reputed to belong to the Marquess of Bute on the southern side by the new street now in course of construction and known as Pendyris Street and on the western side by the said Clare Road.

Lands in the parish of Roath about three roods and twenty-nine perches in extent situate on the south-western side of Portmanmoor Road and lying between that road and the Tharsis Copper Works and bounded on the north-western side by lands the property of or reputed to belong to the Marquess of Bute on the north-eastern side by the said Portmanmoor Road on the south-eastern side by lands the property of or reputed to belong to the Marquess of Bute and on the south-western side by the Tharsis Copper Works.

Lands in the parish of Roath about one acre and twenty-one perches in extent situate on the north-eastern side of Albany Road and bounded on the north-western side partly by the property known as Deans Farm and partly by an imaginary line in continuation of the south-eastern fence of the said farm on the north-eastern side by the enclosure numbered 256 on the twenty-five inch Ordnance map (1879) of the said parish of Roath on the south-eastern side by an imaginary line in continuation of the centre line of Stacey Road and on the south-western side by the said Albany Road.

A.D. 1898.

THE THIRD SCHEDULE.

Lands to be used for the purposes of or connected with their Infectious Diseases Hospital:—

Lands in the said parish of Canton adjoining and situate on the northern side of the lands and premises of the Cardiff Sanatorium bounded on the north and north-western sides partly by the enclosure numbered 127 on the twenty-five inch Ordnance map of the said parish of Canton as it now exists partly by an imaginary line drawn from the south-eastern corner of the said enclosure numbered 127 to the southernmost corner of the enclosure numbered 155 on the said Ordnance map and partly by the said enclosure numbered 155 on the north-eastern side by the Penarth branch of the Taff Vale Railway on the east and north-east sides by the eastern and north-eastern boundary of the occupation road leading from Grosvenor Street to the Cardiff Sanatorium on the south-west by the occupation road leading from Cowbridge Road near the Victoria Park to the Cardiff Sanatorium and on all other parts by the premises of the said Sanatorium.

Lands in the said parish of Canton adjoining and situate on the southern and eastern sides of the premises of the Cardiff Sanatorium and bounded on the north-western and south-western sides by the land and premises of the said sanatorium on the eastern side by the enclosure numbered 163 and on the south-east by the enclosure numbered 159 on the said Ordnance map.

Lands to be used for street improvement:—

Lands in the said parish of Roath situate on the north-eastern side of Albany Road bounded on the north-eastern side by an imaginary line drawn from a point on the south-eastern boundary wall of the garden of Deans Farm at the termination against such wall of the iron fencing at the side of Albany Road to the south-eastern corner of Roath Green Garden in the said Albany Road and on the south-eastern south-western and western sides by the said Albany Road.

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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