CHAP. clxi.

An Act for defining and extending the powers of the Corporation and of the Local Board of Health of Cardiff in relation to matters of Local Government; and for other purposes. A.D. 1871.

[24th July 1871.]

WHEREAS the borough of Cardiff in the county of Glamorgan (in this Act called the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation):

And whereas in 1850, by provisional order confirmed by Act of Parliament, the Public Health Act, 1848, (except a small portion thereof,) was applied to the borough:

And whereas it is expedient to extend in various respects the powers of the Corporation and of the Local Board of Health relative to matters of local government:

And whereas it is expedient that better provision be made respecting securities for, and other matters relative to, money already borrowed by the Local Board of Health:

And whereas it is expedient that the borough be divided into three wards instead of into two, but that the number of the aldermen and councillors for the borough be not increased:

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

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

I.—PRELIMINARY.

Short title.

1. This Act may be cited as The Cardiff Improvement Act, 1871.

Commencement of Act.

2. This Act shall commence from and immediately after the thirty-first day of August one thousand eight hundred and seventy-one.

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Interpretation of terms.

3. In this Act,—

"The borough" means the municipal borough of Cardiff, and "the Corporation," "the Local Board of Health," "the watch committee," "the surveyor," "the borough fund," and "the borough rate," mean respectively the mayor, aldermen, and burgesses of the borough, the Local Board of Health for the borough, the watch committee, the surveyor for the time being of the borough, the borough fund, and borough rate of the borough:

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regu- "lation of municipal corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

"Mortgage" includes debenture:

"Slaughter-house" includes a knacker's yard, and any building or place used for slaughtering or dressing animals for sale, or as a fasting shed or place for animals:

"Cart" includes any vehicle made or used for the conveyance of goods, commodities, or chattels in a street:

"Carriage" includes any vehicle of what nature soever made or used for the conveyance of persons in a street:

"Cattle" includes horses, asses, mules, sheep, goats, and swine:

"Article" includes any commodity and also any animal comprised in the definition of cattle in this Act:

"Driver" means the driver, conductor, or carter of a carriage or cart:

And in this Act and in any Act incorporated wholly or in part with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute.

Effect of schedules.

4. The schedules to this Act shall be deemed part of this Act.

Application of Act.

5. This Act shall apply to and within the borough exclusively.

II.—THE BOROUGH.

New division into wards.

6. From and after the commencement of this Act the borough shall be divided into three wards, and the names and boundaries thereof shall be those described in the First Schedule to this Act.

Number of aldermen and councillors.

7. There shall continue to be six aldermen and eighteen councillors for the borough.

Retirement and wards of existing councillors.

8. In November 1871 the six councillors shall go out of office who would have gone out of office if this Act had not been passed, and the remaining twelve councillors then in office shall be deemed to be councillors for the three wards respectively, according as their names are set opposite to the same in the Second Schedule to this Act, and, subject to the provisions of this Act, shall be in the like position in all respects as if they had been elected for those wards under the Municipal Corporations Acts.

Election and rotation of councillors.

9. In November 1871 two additional councillors shall be elected for the three wards respectively, and of the four councillors named in the Second Schedule to this Act in connexion with those three wards respectively, the two last named in each case shall go out of office in November 1872, and the remaining two shall go out in November 1873, and thenceforth the rotation of councillors for those three wards shall be in accordance with the provisions of the Municipal Corporations Acts as if each of those wards had always been a ward returning six councillors.

Aldermen.

10. The aldermen before whom elections of councillors and assessors for the three several wards shall be held in November 1871, shall be those whose names are set opposite those three wards respectively in the Second Schedule to this Act.

Assessors.

11. The assessors for the two wards of the borough existing at the commencement of this Act, and the two deputies in office at the commencement of this Act, and named in the Second Schedule to this Act, shall be deemed to be the assessors for the three several wards opposite to which their names are set in the Second Schedule to this Act, and in 1872 and subsequent years two assessors shall be elected for each of the three wards, in accordance with the provisions of the Municipal Corporations Acts.

Substitution of successors of persons named, &c.

12. All the provisions of this Act relative to persons named in the Second Schedule to this Act, or described in this Act, shall, in case of a vacancy in the office held by any of those persons, extend and apply to the person appointed or elected to fill the vacancy, in accordance with the provisions of the Municipal Corporations Acts or of this Act (as the case may be).

Saving for existing mayor, &c.

13. Nothing in this Act shall affect the tenure of office of the mayor, auditors, and assessors of the borough, nor shall anything in this Act (except as expressly therein otherwise provided) affect the tenure of office of the aldermen and councillors of the borough, or of any of them, or their retirement in rotation, or their capacity of re-election, or any of the rights, privileges, powers, and authorities of them or any of them individually or collectively.

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Saving for 22 Vict. c. 35.

14. Notwithstanding anything in this Act, the provisions of sections one to four (inclusive) of the Municipal Corporation Act, 1859, (relating to the division of boroughs into wards,) shall continue to apply to the borough.

Election of auditors and assessors.

15. Sections five, six, seven, and eight of the Municipal Corporation Act, 1859, (relating to elections of councillors,) shall extend and apply to the election of any auditor or auditors, assessor or assessors for the borough or any ward thereof, as if auditors and assessors had been mentioned in those sections as well as councillors, and notices and nomination papers issued and used under those sections in relation to elections of auditors or assessors shall be altered so as to refer to auditors or assessors (as the case requires) instead of to councillors.

Payment of elective auditors.

16. The Corporation may, if they think fit, pay to each of the elective auditors of the borough out of the borough fund such reasonable remuneration, not being less than two guineas for each day in which he is employed in the audit of the municipal accounts, as the Corporation from time to time appoint.

III.—LODGING-HOUSES.

Quantity of air for lodgers.

17. It shall not be lawful for any person to suffer any lodgers to use as a sleeping room any room in any house belonging to or occupied by him, unless there are in such room five hundred cubic feet of space at least for every person at any time using it as a sleeping room; and if any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding ten shillings for every day during which such offence continues after the expiration of twenty-four hours from service of notice thereof on him by the Local Board of Health.

Regulations as to lodging-houses.

18. The provisions set forth in the Third Schedule to this Act shall have effect as if they were enacted in the body of this Act with respect to houses or parts of houses let in lodgings or occupied by members of more than one family, but nothing in this section or those provisions shall apply to common lodging-houses within the Common Lodging Houses Act, 1851, or any Act amending the same.

IV.—MARKETS AND SLAUGHTER-HOUSES.

Power to agree with Llandaff, &c. Market Company.

19. The Corporation on the one hand, and the Llandaff and Canton District Market Company on the other hand, may from time to time enter into and carry into effect such agreements as they think fit for the sale and transfer or demise by the company to the Corporation of the whole or any part of the undertaking of the

company, or of the whole or any part of the tolls, rents, and stallages which the company are entitled to take under the Llandaff and Canton District Markets Act, 1858, or of any right or privilege which they possess by virtue of that Act, and particularly the right to levy tolls and other charges in the borough; but save as in this Act expressly provided, nothing in this Act shall extend or be construed to extend to affect, prejudice, alter, diminish, abridge, or take away any rights, property, duties, tolls, payments, powers, authorities, jurisdictions, or privileges whatsoèver of or belonging to the Llandaff and Canton District Market Company incorporated by an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty Queen Victoria, but the said company may and shall continue to have, hold, and enjoy all such rights, property, duties, tolls, payments, powers, authorities, jurisdictions, and privileges whatsoever, in like mànner as they could or might have done in case this Act had not been passed.

Power to make byelaws for regulation of slaughter-house, &c.

20. The Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

For regulating the use of the slaughter-house provided by the Corporation, for fixing the time during which the same shall be open, for preventing the bringing therein of any diseased cattle or animal, for preventing nuisances and obstructions therein and the approaches thereto, and for ensuring good order and government amongst persons using the same.

Market inspectors, &c. may be made constables.

21. The Corporation may cause the inspectors and collectors of markets, and all persons appointed to assist them permanently or otherwise, to be sworn before a justice as constables, and the men so sworn shall have all such powers, authorities, and privileges, and shall perform and be liable to all such duties and responsibilities, as constables appointed under the Municipal Corporations Acts.

Seizure of false weights, &c.

22. If any person is found using any false scales, beam, weight, or measure in any market belonging to the Corporation, the superintendent of the market or other authorised officer of the Corporation, or any peace officer, may seize and detain the same, and on conviction of the offender the same shall be forfeited to the Corporation.

Forfeiture of articles left in market.

23. Every article brought into any market now belonging to the Corporation and left therein after the hour of closing (except such as are left in charge of the superintendent of the market) may be taken possession of by the superintendent, and if the same being of a perishable nature are not claimed within one hour after the closing, or not being of a perishable nature are not claimed within one month thereafter, then and in every such case the same may be sold by the Corporation, who shall return the surplus proceeds of such

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sale, after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner on demand, if such demand is made within one month after the sale, but if demand is not so made the proceeds of the sale shall be forfeited to the Corporation and shall go to the borough fund.

Power of entry to examine premises.

24. The surveyor or other officer authorised by the Corporation in this behalf may at all times, with or without assistants, enter into and inspect any place or premises not being lawfully authorised as a slaughter-house, in order to ascertain whether any cattle have been or are being slaughtered in contravention of any Act prohibiting the same.

V.—COFFEE HOUSES, BROTHELS, &c.

Regulations respecting coffee houses, &c.

25. If any person, not being a licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault, or place of public resort wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and permits drunkenness or other disorderly conduct, or suffers any unlawful game or any gaming therein, or permits prostitutes, reputed thieves, drunken or idle and disorderly persons, or persons of notoriously bad character to meet together and remain there, he shall be liable to a penalty not exceeding five pounds; and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid; and if any such owner or keeper, or any person in his employment, in such case refuses to allow or does not on application allow such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings, and such penalties respectively shall go to the borough fund.

Penalties on keepers of gaming houses, &c.

26. If any person keeps or acts or assists in the management of a gaming house or brothel, or other disorderly house, room, or other place, or appears, acts, or behaves as master or mistress, or as the person having the care or management thereof, he or she shall be liable to a penalty not exceeding one hundred pounds (which shall go to the borough fund), or in the discretion of the justice before whom he or she is convicted, to be imprisoned, with or without hard labour, for any term not exceeding six months.

Power for justice to authorise

27. A justice, on complaint made before him on oath by the superintendent of police that there is reason to suspect that any

house specified in the complaint is kept or used as a gaming house or brothel, may give authority by special warrant under his hand, when in his discretion he thinks fit, to any constable of the borough to enter with such assistants as may be found necessary into that house, and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and to arrest and bring before a justice any person found therein keeping or acting or assisting in the management of the house, or appearing, acting, or behaving as master or mistress, or as the person having the care or management thereof, and every such person shall be dealt with according to law.

entry into gaming houses, &c.

VI.—DEALERS IN MARINE STORES, &c.

Power to license dealers in marine stores, &c.

28. The Corporation may from time to time grant to every such person as they think fit a license to carry on the business of a dealer in marine stores, or in old metals (within the meaning of enactments relating to dealers of those classes respectively), and may charge a fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and such fee shall go to the borough fund.

Power to make bye-laws as to dealers in marine stores, &c.

29. With respect to such dealers and their licenses the Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

For regulating the applications for such licenses and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto:

For regulating the duration of every such license, and providing for the suspension or revocation thereof by the Corporation:

For requiring every person so licensed to give notice to the Corporation in case of his changing his place of abode, or his place of carrying on his business, either to a different building, or to a different or additional part of the same building:

For requiring every person so licensed to keep exhibited outside his place of business his name and occupation and any other particulars:

For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased, or otherwise acquired, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same.

Licenses may be suspended or revoked.

30. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making

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it in the opinion of any such justice expedient that such license should be suspended or revoked.

Penalty on persons carrying on business without license.

31. If any person, after the expiration of one month from the commencement of this Act, carries on while unlicensed the business of such a dealer as aforesaid, he shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such offence continues after the time when the penalty of twenty pounds is adjudged, and such penalties shall go to the borough fund.

VII.—HACKNEY AND STAGE CARRIAGES, PORTERS CARTS, PORTERS AND DRIVERS.

Penalty on failure to keep engagement.

32. If any proprietor or driver of a hackney carriage, having accepted an engagement to attend with his carriage for a job, fails (without reasonable excuse, proof whereof shall lie on him) to keep his engagement, he shall be liable to a penalty not exceeding forty shillings, to be applied in like manner as directed by the Public Health Act, 1848.

Regulations as to omnibuses.

33. The provisions of the Town Police Clauses Act, 1847, relative to hackney carriages and the drivers thereof, shall extend and apply, as far as the nature of the case admits, to omnibuses plying for hire within the borough, and the drivers and conductors thereof; and subject and without prejudice thereto, the following provisions shall also extend and apply to omnibuses, and the drivers and conductors thereof, as though stage coaches had not been exempted by the Town Police Clauses Act, 1847; (namely,)

(1.) Omnibuses shall ply only within the prescribed route, that is to say, from such one given point to such other given point, and along such line or lines of road, as the Local Board of Health from time to time direct:

(2.) No omnibus, except when waiting at a railway terminus or steam packet landing, shall remain stationary at any starting point or terminus for a longer period than such as the Local Board of Health from time to time allow:

(3.) No driver of an omnibus shall loiter or stop his vehicle on the road longer than may be necessary for taking up or setting down passengers:

(4.) No horn or other noisy instrument shall be blown or used by any driver or conductor, or any other person travelling with or being on any omnibus for the purpose of announcing the same:

And if the owner, driver, or conductor of any omnibus does anything in contravention of or fails in any respect to comply with the

provisions of this section, he shall be liable to a penalty not exceeding five pounds, to be applied in like manner as directed by the Public Health Act, 1848.

Power to make bye-laws as to omnibuses, carts, &c.

34. Subject to the express provisions of this Act, the Local Board of Health may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For regulating omnibuses, stage carriages, and hackney carriages in the streets, and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same, and the fitness of the harness thereof.

Power to make bye-laws as to porters and drovers.

35. The Local Board of Health may from time to time make bye-laws for all or any of the purposes following; (that is to say,)

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for hire,) and drovers (that is to say, persons offering themselves to lead or drive cattle for hire), and for charging any fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers and the distance to which they may be compelled to go in the exercise of their calling, not exceeding in the case of porters three miles, and in the case of drovers twenty miles beyond the boundary of the borough:

For fixing the fares as well for time as for distance to be paid to porters and drovers, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

And in any such byelaws the Corporation may (if they think fit) adopt and apply to porters and drovers, mutatis mutandis, any of the provisions of this Act relative to drivers of hackney carriages and porters carts, so far as the same are applicable.

VIII.—GUNPOWDER, PETROLEUM, &c.

Restriction on making of fireworks, &c.

36. If any person makes within the borough lucifer matches or any combustible article, in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or any dwelling-house erected previous to the commencement of

A.D. 1871. such manufacture, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty of forty shillings for every day during which the offence continues after the expiration of twelve hours from the service of notice on him by the Corporation, and such penalties shall be paid to the borough fund.

Execution of licensing powers as to gunpowder, petroleum, &c.

37. For the better execution of the provisions of the following Acts; (namely,)

The Gunpowder Act, 1860, and any Act for the time being in force amending the same:

The Act of the session of the twenty-fifth and twenty-sixth years of Her Majesty (chapter sixty-six), "for the safe keeping of "petroleum," and any Act for the time being in force amending the same:

the following provisions shall have effect; (that is to say,)

(1.) Any license granted under the last-mentioned Acts, or any of them, may be suspended or revoked when and as the Corporation think fit:

(2.) Every such license shall be under the hand of the town clerk:

(3.) For every such license the Corporation may charge a fee not exceeding one guinea, such fee to go to the borough fund:

(4.) The powers conferred on the Corporation by the last-mentioned Acts, or any of them, or by this Act, in relation thereto, may be executed by a committee of the Corporation appointed according to the provisions of this Act.

IX.—WEIGHTS AND MEASURES. WELLS'S CHARITY.

Inspection, &c. of weights and measures.

38. The Corporation shall, by virtue of the Act of the session of the twenty-second and twenty-third years of Her Majesty (chapter fifty-six), "to amend the Act of the fifth and sixth years of King "William the Fourth, chapter sixty-three, relating to weights and "measures," or other amending Act, and by virtue of this Act, have exclusive authority in the borough in respect of the inspection, adjustment, and regulation of weights and measures, and any authority in that behalf existing in any part of the borough at the commencement of this Act shall be by virtue of this Act transferred to and vested in the Corporation; and the powers of the Corporation under this section may be exercised by any officer from time to time appointed by them as inspector or examiner of weights and measures, and the Corporation may from time to time by byelaw appoint the charges to be made in respect of the inspection, adjustment, and regulation of weights and measures by their inspectors or examiners.

Scheme for Wells's Charity.

39. The aldermen of the borough may, if they think fit, from time to time submit to the Charity Commissioners for England and Wales, or other constituted authority empowered to entertain the same, a scheme or schemes for the better regulation of the charity for educational and other purposes founded by the will of Cradock Wells, and known as Wells's Charity, and for the better administration and management of the estates and money of that charity, and the aldermen of the borough shall by virtue of this Act be as competent to support and obtain any such scheme as they would have been if they had continued to be or were trustees of the charity; and the Charity Commissioners and other authority aforesaid, or either of them, shall have by virtue of this Act full authority and jurisdiction to entertain and proceed on any such scheme as aforesaid, and for that purpose to require and enforce production of books, papers, and documents, and to make report and obtain confirmation of any such scheme as if the matter came before them under the provisions of the Charitable Trusts Act, 1853, and the Acts amending the same; and all costs and expenses incurred by the aldermen in or about the preparation and submission of any such scheme, unless otherwise provided for, shall be paid out of the funds of the charity.

X.—BOROUGH FUND AND RATE.

Continuance of borough fund and charges thereon.

40. Except as is in this Act expressly otherwise provided, nothing in this Act shall affect the borough fund or the borough rate; and notwithstanding anything in this Act, all expenses which under the Municipal Corporations Acts or any other Act applying to the borough or otherwise by law are charged on the borough fund, shall continue and be charged thereon and payable thereout.

XI.—BORROWING POWERS.

Repayment of money borrowed on mortgage.

41. With respect to the repayment of money borrowed on mortgages by the Local Board of Health, the following provision shall have effect; (namely,)

In order to discharge any principal money borrowed, the Local Board of Health shall every year appropriate out of the general district rate a sum sufficient to pay such principal money within the period stipulated with the lender, not exceeding fifty years from the time of borrowing, and shall either apply the same as an instalment in discharge of a proportionate part of principal money so borrowed, or apply the same for a sinking fund to be from time to time invested in the purchase of Exchequer bills or other government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal money, or

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some part thereof, which the Local Board of Health think ought to be then paid off, at which time the same shall be so applied in paying off the same.

Power to raise money by annuities.

42. The Local Board of Health may, if they think fit, raise all or any part of the money borrowed by granting annuities for lives, or for terms of years not exceeding fifty years, and for that purpose the Local Board of Health may by deed grant annuities accordingly.

Price of annuities.

43. The price to be paid for any annuity under this Act shall not be less than the price payable at the time of the contract for the same for a like annuity from the Commissioners for the Reduction of the National Debt.

Register, transfer, &c. of annuities.

44. The provisions of this Act respecting the register, transfer, and register of transfers of mortgages, shall apply to the register, transfer, and register of transfers of annuities under this Act.

Coupons for interest on mortgages.

45. The Local Board of Health may from time to time, if they think fit, issue to holders of mortgages of the Local Board of Health coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Local Board of Health from time to time think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half-year's interest and principal, if any, to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Local Board of Health (which authorisation shall be presumed until the contrary is shown).

Payment of coupons.

46. On presentation to the treasurer of the Local Board of Health of any such coupon he shall pay to the person so presenting the coupon the amount of interest and principal, if any, thereon expressed and appearing by the coupon to be then due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which the coupon was issued: Provided that the treasurer shall not be bound unless he sees fit to make any payment of interest beyond the amount of the money of the Local Board of Health then in his hands and applicable in that behalf.

Power to Local Board of Health to arrange with mortgagees and annuitants.

47. The Local Board of Health may from time to time when as they think fit exercise—

With respect to all and every part of the money which they are authorised to borrow, and the interest thereon respectively; and

With respect to all and every part of the money from time to time so borrowed, and the interest thereon respectively; and

With respect to all and every of the grants of annuities, mortgages, and other charges and securities already or hereafter made or granted, and from time to time subsisting; and

With respect to all and every of the principal money, interest, and annuities respectively secured by the grants, mortgages, charges, and securities, or any of them:

all or any of the powers following; (that is to say,)

They may pay or discharge, either in whole or in part, any principal sum, whether payable then or thereafter, and secured by mortgage or other charge or security, by any one or more of the ways and means following:

They may redeem, satisfy, or discharge, in whole or in part, any annuity, whether for years or for life or lives, or perpetual, secured by grant or other charge or security, by any one or more of the ways and means following; (that is to say,)

(1.) By the immediate payment of a gross sum:

(2.) By granting an annuity either for years or for life or lives:

(3.) By securing by grant, or other charge or security, the payment of the annuity so granted:

And every such repayment, redemption, satisfaction, and discharge may be made on the terms and conditions and in the manner from time to time agreed on between the Local Board of Health and the other person interested.

Consents to arrangements.

48. Provided that, except as far as independently of this Act the Local Board of Health are entitled to repay, redeem, satisfy, or discharge any principal sum, annuity, or other charge, or any part thereof respectively, they shall not exercise any of their powers under this Act of redeeming, satisfying, or discharging, either in whole or in part, any principal money, annuity, or other charge, except with the consent of the person entitled thereto.

Restriction on redemption of annuities.

49. Provided also, that the Local Board of Health shall not under this Act pay for the redemption of the whole or any part of an annuity for life or lives more than the sum then by law payable for the grant by the Commissioners for the Reduction of the National Debt of a like annuity, of like amount as the annuity or part thereof to be redeemed, or for the redemption of the whole or any part of an annuity for years, or a perpetual annuity, more than a proportionate part of the amount of the original purchase money for the annuity.

XII.—GENERAL.

Employment of police as market officers, &c.

50. The Corporation may employ constables of the borough as market officers, fire brigade officers, inspectors of weights and

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measures, and of lodging-houses, and in any other capacity in which their services appear to the Corporation to be useful for purposes of this Act.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

51. Except as by this Act provided, proceedings with a view to the summary conviction of offenders under this Act, or under any byelaw of the Corporation, or of the Local Board of Health, or to the recovery of any money or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Act or any such byelaw, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three), "to facilitate the performance of the "duties of the justices of the peace out of sessions within England "and Wales with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same.

Punishment of abettors, &c.

52. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, any person causing or procuring such act or thing to be done, or aiding or abetting therein, shall be punishable in like manner.

Penalties on repetition of offences.

53. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence: Provided always, that penalties imposed by this and other Acts of Parliament for one and the same offence shall not be cumulative, and for such purpose this Act and other Acts imposing such penalties shall be deemed several Acts.

Transient offenders.

54. Any constable of the borough, or any officer of the Corporation, and any person called by him to his assistance, may seize and detain any person who has committed any offence against this Act or any byelaw thereunder, and whose name and residence, or either of them, are or is unknown to the constable or officer, and convey him with all convenient despatch before a justice without any warrant or other authority than this Act, and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against the offender.

Proceedings when offender refuses to state his name.

55. If any person charged with any offence against this Act, or any byelaw thereunder, refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred, by the description of his person and of the offence committed, without stating his name, or if one only of his names is known, all

such necessary proceedings may be had and carried on against him by such name only.

Evidence of previous conviction.

56. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Damages and charges in cases of dispute to be settled by justices.

57. Where any damages or charges are directed or authorised to be paid or recovered, in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

58. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Regulations as to distress.

59. With respect to distress, the following provisions shall have effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and may be for a balance remaining unpaid or for an agreed instalment due:

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one, shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so

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doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser, on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

Contents of summons.

60. Any number of names and sums may be included in any summons obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the summons or in a schedule thereto, and any such summons may be for a balance remaining unpaid or for an agreed instalment due.

Power to order prosecutions, &c.

61. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act or any matter arising under this Act.

Proceedings not to be quashed for want of form, &c.

62. Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Validity of warrants of commitment.

63. A warrant of commitment on any conviction shall not be held void by reason of any defect therein if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Forms in schedule authorised.

64. The forms given in the Fourth Schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Saving rights of the undertakers under the Bute Dock Acts.

65. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, trusts, powers, authorities, discretion, or privileges of the undertakers for the time being under the Bute Docks Act, 1865, and the Bute Docks Act, 1866, whether as trustees or otherwise.

Expenses of Act.

66. All the necessary costs, charges, and expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be borne by the Corporation and Local Board of Health, and one half thereof shall be paid by them out of the borough fund, and one half out of the general district rate, respectively.

The SCHEDULES to this Act.

THE FIRST SCHEDULE.

Description of Wards.

West Ward.

The district lying on the right hand of an imaginary line, commencing at a point where the Glamorganshire Canal intersects the northern boundary of the borough, thence following the course of the said canal on the east side thereof southward to the Hayes Bridge, thence running eastward through the centre of Bridge Street, Nelson Terrace, and Wellington Terrace, to the Bute Dock feeder, thence southward along the west side of the same to the Great Western Railway, and then following the course of the said railway on the northern side thereof to the point where the same intersects the western boundary of the borough.

East Ward.

The district lying on the left hand of the imaginary line above described as forming the boundary of the west ward, from the point where the Glamorganshire Canal intersects the northern boundary of the borough to the point where the Bute Dock feeder meets the Great Western Railway, and thence eastward along the course of the said railway on the northern side thereof to the eastern boundary of the borough.

South Ward.

The district bounded on the north by the West ward and East ward, and comprising the Great Western Railway and the portion of the borough lying south of same, including the island of the Flat Holmes.

THE SECOND SCHEDULE.

Distribution to the Three Wards of Aldermen, Councillors, and Assessors.

Wards.	Aldermen.	Councillors.	Assessors.
West -	James Pride -	Thomas Evans, Thomas James Waller, Richard Evans Spencer, William Taylor.	John Williams. Robert Slater Low.
East -	William B. Watkin	Daniel Lewis, Lewis Davies, Daniel Jones, J. N. Flint.	James Cox. Thomas Jenkins.
South -	W. Alexander -	Charles Thompson, Henry North, Philip Bird, Joseph Elliott.	Edward Horne. William Holder.

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THE THIRD SCHEDULE.

Regulations as to Lodging-Houses.

Cubical contents of rooms.

I. The number of persons who may occupy a room for sleeping in shall be determined by the cubical contents of the room in the manner following: If the room be used only as a sleeping room, there shall not be more than one person (the term "person" to include man, woman, or child) to every five hundred cubical feet of air contained in such room. If the room be used both as a sleeping room and a day room, then there shall not be more than one person to every six hundred cubical feet of air contained in such room. And no room, the ceiling of which is less than two feet above the level of the foot-path or roading immediately adjoining, and no room used as a kitchen or scullery, and no room not lighted and ventilated directly from the exterior, and no room in the roof of the house not furnished with an open fireplace or flue for ventilating, shall be permitted to be occupied as a sleeping room, unless it be specially certified by a legally qualified medical practitioner, or one of the inspectors of lodging-houses of the improvement district, as in his opinion fit to be so occupied without danger to the health of the occupants.

Certain rooms not to be used as sleeping rooms.

Houses to be registered.

II. Every house or part of a house which is let in lodgings, or occupied by members of more than one family, shall, if required by the Local Board of Health by a notice in writing served by their inspector, be distinguished by a number to be placed above the principal entrance thereto to the satisfaction of the inspector, and shall be registered by such inspector in a book to be kept for that purpose in the form appended to these regulations, specifying the name of the occupier, the name of the owner, and the number and cubical contents of the air space of each room within such house or part of a house; and it shall be incumbent upon the said occupier to keep a certificate of such registration as aforesaid (under the hand of the inspector, who is required to furnish such certificate), which certificate shall specify the number and date of such registration, with the contents of the air space of such rooms, and shall be produced on demand to such inspector, or his deputy, or any person authorised by the Local Board of Health.

Inspection of houses.

III. The lodging-house inspectors or any one or more of them, or such other persons as may be specially appointed for the purpose by the Local Board of Health, may between the hours of six o'clock in the morning and ten o'clock in the evening, enter and inspect any house or part of a house which is let in lodgings or occupied by members of more than one family, for the purpose of ascertaining the state and condition thereof, and whether these regulations are observed and kept, or otherwise, and may further enter into such house, or part of a house, at any other time with the order of any magistrate having jurisdiction within the improvement district, which order the magistrate is authorised to give upon information being laid before him by the inspector, and he the inspector suspects that some one or more of the regulations herein contained is or are contravened in or about such house or part thereof.

Obstruction to inspectors.

IV. No person shall obstruct or hinder such inspectors, or any of them, in the execution of their duties.

Ventilation.

V. Every room to be occupied as a sleeping room shall have means provided to the reasonable satisfaction of the inspector for adequate ventilation, such

means to be kept always in an efficient state, and to be used as frequently as possible, and at least once a day.

Cleanliness.

VI. The walls, floors, furniture, bedding, and utensils shall be at all times kept in a thoroughly clean and wholesome condition.

Limewashing.

VII. The passages, rooms, and other premises shall, when required by the inspector, be limewashed twice at least in the year, in the months of March and September, and at any other time appointed by such inspector.

Occupation of sleeping rooms.

VIII. Persons of opposite sexes shall not occupy the same sleeping apartment, except married persons, or parents and their children under fourteen, or other children under ten years of age.

Regulations as to cases of fever.

IX. In case of fever or any other infectious or contagious disease occurring in any such house or room as aforesaid, the keeper of such house or room shall forthwith give notice thereof to the inspector, so that he may inspect the same, and if he shall see fit he shall cause the provisions of sections 22 and 23 of the Sanitary Act, 1866, to be put in force with reference to such house or rooms, or the articles contained in it, or if necessary shall also cause the provision of clause 26 of the said Act to be put in force with reference to the removal of persons sick of infectious disorders.

Deaths.

X. In case of any death taking place in any such house or room as aforesaid the inspector may if he see fit take measures for the putting in force of section 27 of the Sanitary Act, 1866.

Privy accommodation.

XI. A privy, or such other accommodation as the inspector shall determine to be necessary, shall be provided for the use of any such house or room. The situation, dimensions, materials, and construction of every such privy or other accommodation shall be subject to the approval of the borough surveyor. And for every twelve persons a separate privy or other accommodation shall be provided. The privy or other accommodation shall be kept in clean and proper order.

Water supply.

XII. There shall be a proper supply of pure water conveniently accessible (to the satisfaction of the Local Board of Health) to each house or room as aforesaid, and proper accommodation for washing.

Drainage.

XIII. The drains, sewers, and grids shall be properly trapped so as to prevent the effluvia coming up from the sewers or cesspools, and shall be kept clean and in good order in all respects.

Paving.

XIV. The yards and areas of every house as aforesaid shall be properly paved so as to effectually take off all waste water.

Sleeping rooms to be furnished with sufficient bedsteads, &c.

XV. Each room occupied as a sleeping apartment shall be furnished with bedsteads and sufficient bedding for the number of lodgers authorised to be in such room.

Repairs of floor, walls, &c.

XVI. The floors, walls, and ceilings of every house or part of a house which is let in lodgings, or occupied by members of more than one family, shall be kept in proper repair and thoroughly dry and free from damp, and the roof thereof in proper repair and condition, by the owner.

Persons to attend council or committee meetings.

XVII. The person letting such house or part of a house shall attend any meeting of the Local Board of Health, or the sanitary committee thereof, to which he shall be summoned by letter or notice, left at least three clear days beforehand at the house referred to, to answer any complaint made against him in respect of neglect of these regulations, and shall forthwith carry out such order as he may receive from the Local Board of Health or sanitary committee, made with a view to bring his house into conformity therewith.

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Power to prohibit house to be used as a lodging-house.

XVIII. If at any time after it has been registered any such house or part of a house has in the opinion of the sanitary committee become unfit to be occupied in lodgings, the committee may prohibit such house or part of a house from being used as a lodging-house, and the person in whose name the place has been registered shall within seven days after receiving notice of such prohibition cease to use such house or part of a house as a lodging-house, and such house or part of a house shall not be again let in lodgings until the same has been put into proper condition and made fit for the reception of lodgers to the satisfaction of the sanitary committee, and until the same is registered.

Regulations not to apply to houses rated at fifteen pounds without notice, except as beer-houses, &c.

XIX. None of the foregoing regulations shall apply to any house, or the owner or the occupier thereof (unless such house be used as a beerhouse, wine shop, refreshment house, or coffee shop, in which case they shall apply), the rateable value whereof, according to the last rate for the time being for the relief of the poor, amounts to fifteen pounds or upwards, unless and until the Local Board of Health give a notice in writing to such owner or occupier declaring that such house shall, from a date to be named in such notice, be and continue subject to such regulations, and from and after such date such house and the owner or occupier thereof shall be accordingly subject to such regulations.

Penalty for breach of regulations.

XX. Any person, whether as owner or occupier of any house or part of a house which is let in lodgings or occupied by members of more than one family, who shall offend against any of the foregoing regulations shall be liable to a penalty not exceeding forty shillings for any one offence, with an additional penalty not exceeding ten shillings for every day during which default in obeying such regulations may continue.

Interpretation.

XXI. Any room used during both day and night as a sleeping room shall be understood as a "day room." The person who receives the rents either on his own account or as agent to the owner, or as clerk or servant to such agent, shall be deemed to be the owner, and so long as his name stands on the register as owner or receiver of rents, such register shall be at all times received as proof of such ownership. The term "inspectors" or "inspector" includes all or any persons or person appointed by the Local Board of Health under or for the purposes of the Sanitary Act, 1866, or for carrying into effect these regulations.

FORM ABOVE REFERRED TO.

Entry_____ No._____.
No._____ house or room.
Registered occupier_____.
Owner_____.
Registered to accommodate_____ persons.

In Room No. 1.	In Room No. 2.	In Room No. 3.	In Room No. 4.	In Room No. 5.	In Room No. 6.	Total.

Dated this day of 18 .

Inspector.

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THE FOURTH SCHEDULE.

No. 1.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

The Cardiff Improvement Act, 1871.

I *A.B.*, Esquire, one of Her Majesty's justices of the peace for the borough of Cardiff, hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

[*C.D.*]

To *L.M.* [constable, &c.]

No. 2.

FORM OF AUTHORITY FROM CORPORATION.

The Cardiff Improvement Act, 1871.

The Corporation of the Borough of Cardiff hereby authorise you

[*Here specify the act authorised.*]

Dated this day of 18 .

Clerk.

To *L.M.* [constable, &c.]

No. 3.

FORM OF WARRANT FOR ENTRY INTO GAMING HOUSE OR BROTHEL.

Borough of Cardiff.

To the Constable.

Whereas it appears to me, *J.P.*, one of the justices of our Lady the Queen assigned to keep the peace in the said borough, by the information on oath of *A.B.* of in the county of yeoman, that the house known as [*here insert the description of the house by which it may be readily known and found*] is kept and used as a gaming house [*or* brothel] within the meaning of the Cardiff Improvement Act, 1871.

This is therefore in the name of our Lady the Queen to require you, with such assistants as you may find necessary, to enter into the said house, and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and there to arrest and to bring before me, or some other of the justices of our Lady the Queen assigned to keep the peace within the said borough, every person keeping or acting or assisting in the management of the

A.D. 1871. said house, or appearing, acting, or behaving as master or mistress, or as the person having the care or management thereof, to be dealt with according to law, and for so doing this shall be your warrant.

J.P. L.S.

Given under my hand and seal
at in the of
this day of in the
year of the reign of Queen Victoria.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.