CHAPTER clxxiii.

A.D. 1873.

An Act to empower the Corporation of Carlisle to make and maintain a new street; to alter, divert, and stop up existing streets and roads; to alter, enlarge, improve, and regulate the markets; to borrow money; and for other purposes.

[21st July 1873.]

WHEREAS the mayor, aldermen, and citizens of the city of Carlisle (in this Act called "the Corporation"), acting by the council of the said city are, by virtue of "The Public Health Act, 1872," the urban sanitary authority of the urban sanitary district of the said city, and by virtue of "The Public Health Act, 1848," all the public streets, roads, and highways within the said city were vested in and are now under the management and control of the Corporation as such urban sanitary authority:

And whereas the Corporation are or claim to be by prescription, and also under and by force and virtue of several charters granted to the said city of Carlisle (in this Act called the city) by divers Kings and Queens of England, the owners of the markets and fairs within and belonging to the city, and are or claim to be entitled to various tolls, customs, duties, stallages, and rents in respect thereof:

And whereas the lines of the Lancaster and Carlisle Railway Company (now leased to the London and North-western Railway Company) and of the Caledonian Railway Company traverse and bisect the city from south to north, dividing it into two unequal parts, whereby the communications between the eastern and western parts of the city are severed, and the streets and roads leading from the east towards the west, and vice versâ, have been injuriously interfered with and otherwise affected:

And whereas it would be of local and public advantage if a new street or road were carried over and across the lines of the Caledonian Railway Company near the north end of the Carlisle Citadel Station, by means of a bridge or viaduct, for the purpose of forming a better communication between the eastern and western parts of

A.D. 1873.

the city, and affording a better outlet from the eastern part of the city towards the west; and also if the street or road called Irish Gate Brow were altered, widened, and improved:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised, and such estimates are as follows:

For new street, 58,564*l.*:

For widening and altering levels of streets, 5,436*l.*:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 57 of the Local Government Act, 1858:

And whereas a Bill is pending in Parliament promoted by the London and North-western and Caledonian Railway Companies for the enlargement and improvement of the Citadel Station at Carlisle, the powers of which Bill interfere with and affect the property of the Corporation, and the streets and roads within the said city, which said Bill was opposed by the Corporation:

And whereas the Bill for this Act was opposed by the London and North-western and Caledonian Railway Companies, and in pursuance of the resolutions of a committee of the House of Commons, to whom the said Bills were referred, an arrangement embodied in the articles of agreement dated the seventh day of April 1873, of which a copy is contained in the Schedule (B.) to this Act, was entered into between the said Companies and the Corporation; and it is expedient that the said articles of agreement should be confirmed:

And whereas it is expedient that the Corporation should be empowered to make and maintain the new street, and to widen, improve, and alter the levels of other streets, and to alter, divert, and stop up the streets, roads, and thoroughfares in this Act mentioned:

And whereas the present market places of the city are inadequate and inconvenient, and the markets and fairs of the city are held and carried on in the open air in the public streets of the city; and it is expedient that the Corporation should be empowered to provide better and more extended and improved market accommodation:

And whereas it is expedient that further borrowing powers be conferred on the Corporation acting in their corporate capacity and as the urban sanitary authority of the said city, and that they be empowered to raise further moneys:

And whereas it would tend greatly to the advantage of the city and of the inhabitants thereof and of the surrounding district if

powers for the before-mentioned purposes and other purposes of this Act were conferred on the Corporation, both in their corporate capacity and as the urban sanitary authority:

And whereas it is expedient to extend in various respects the powers of the Corporation, both in its corporate capacity and as the urban sanitary authority, relative to matters of local management, improvements, and other matters:

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

And whereas plans of the several works to be authorised by this Act, and of the lands which the Corporation may acquire under this Act, and sections of the said works, and books of reference to such plans, have been deposited with the clerk of the peace for the county of Cumberland, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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

Part I.—Preliminary.

1. This Act may be cited as "The Carlisle Improvement Act, 1873." Short title.

2. "The Lands Clauses Consolidation Acts 1845, 1860, and 1869," and "The Markets and Fairs Clauses Act, 1847," so far as the provisions of those Acts are applicable for the purposes and not inconsistent with the provisions of this Act are hereby incorporated with this Act. Provisions of Acts herein named incorporated.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction. Same meanings to words in incorporated Acts as in this.

4. In this Act— Interpretation of terms.

The term "the city," means the corporate or municipal city of Carlisle, as extended by the Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act for "the regulation of Municipal Corporations in England and "Wales," and the terms "the Corporation," "the council," "the treasurer," and "the officer of health," mean respectively the mayor, aldermen, and citizens of the city, the council,

A.D. 1873.

the treasurer, and the officer of health for the time being of the city:

The term "urban sanitary authority" means the Corporation acting by the council as the urban sanitary authority of the city:

The term "justices" means the justices of the peace for the city:

The term "the Municipal Corporation Acts" means the said Act to provide for the regulation 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:

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

The term "cattle" includes horses, asses, mules, sheep, goats, and swine:

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

And in this Act, and in any Act incorporated wholly or in part with this Act, the term "superior court" or "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:

Council to execute Act.

5. The Corporation by the council are hereby empowered to carry this Act and the several powers thereof into execution.

Copies of plans to be evidence.

6. True copies of the deposited plans and books of reference, or of any alteration or correction thereof or extract therefrom certified by the clerk of the peace for the county of Cumberland, which certificate such clerk of the peace shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Correction of errors as to lands.

7. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands described in or intended or purporting to be described in the deposited plans and books of reference be discovered, the following provisions shall have effect; namely,

The Corporation may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction:

If it appears to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the

same, stating in the certificate the particulars of the omission, mis-statement, or wrong description: A.D. 1873.

The certificate shall be deposited with the clerk of the peace for the county of Cumberland and with the parish clerks, who shall keep the same in like manner and subject to the like regulations as the deposited plans and books of reference:

Thereupon the deposited plans and books of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description:

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

Part II.—Relating to Works and Land.

8. Subject to the provisions and restrictions in this Act contained and to the powers of deviation hereby given, the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited books of reference, and according to the levels shown in the deposited sections, the several works following; that is to say, New works.

1. A new street commencing at the west side of English Street, opposite the west end of Devonshire Street, in the township of Saint Cuthbert Within, in the parish of Saint Cuthbert, and passing thence on the north-western side of the county gaol, in a southerly direction across the Carlisle Citadel Station (by means of a bridge or viaduct to be constructed and maintained by and at the cost of the London and North-western and Caledonian Railway Companies), and terminating in Mill Street, in the township of Botchergate, in the said parish, at or near to the gasworks chimney, so as to form a junction with that street when raised as herein-after mentioned:
2. A widening, improving, and alteration of the levels of the street called Irish Gate Brow, in the township of Saint Mary Within (extending from the junction of the streets called Abbey Street and Annetwell Street, to the east side of the Arch by which Irish Gate Brow is carried over the main line of the Caledonian Railway), and in connexion therewith to

A.D. 1873.

alter the levels of the north end of the street called West Walls, and the south end of the street called Devonshire Walk.

In connexion with the construction of the new street and the widening, alteration, and improvement of streets by this Act authorised, the Corporation may stop up and discontinue the use of the following streets, roads, thoroughfares, and places; (that is to say,)

The road leading under Borough Street Bridge:

Mill Street between the said bridge and the gas works chimney in the said street:

And those streets, roads, thoroughfares, and places, or so much thereof as shall be so stopped up and discontinued, are by this Act vested in the Corporation, subject to the provisions of the said articles of agreement.

Screen to be erected in street adjoining the gaol.

9. If in the construction of any new street or street improvement by this Act authorised adjoining the county gaol, the Corporation shall raise the level of the ground, so that the ground or lower part of the buildings within the gaol wall can be overlooked by the roadway or embankment of the new or altered street, the Corporation shall erect a substantial screen or fence along the said roadway or embankment which adjoins the gaol of a height sufficient to intercept the view from the same into the lower part of the gaol premises, and prevent any communication between persons in the new or altered street and persons within the gaol premises, but no such embankment shall be allowed to touch or come in contact with the outer wall of the gaol, and it shall not be lawful for the Corporation to take or interfere with the gaol or court-house, or the premises connected therewith.

Ground laid into new streets to be public highways.

10. The sites of all houses and all lands which may be purchased by the Corporation and laid into and appropriated for streets, shall, when and so soon as the same shall be so laid into and appropriated for streets, and for ever thereafter, form part of the public highways, and shall be repaired and maintained and kept in repair in such and the same way and manner as the highways in the city shall for the time being be by law maintained, repaired, and kept in order.

Site and soil of streets, &c., acquired to vest in Corporation.

11. The site and soil of all streets, roads, lanes, courts, paths, passages, and places comprised within the limits of the land to be acquired under this Act, as marked upon the deposited plans, shall, subject to the provisions of the said articles of agreement, from and immediately after the purchase by the Corporation of the lands be wholly and absolutely vested in the Corporation free from any rights of way or passage, whether public or private, over the same.

Corporation to give notice before taking dwellings of labouring classes.

12. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either in the whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from the houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have in manner required by this section made known their intention to take the same.

Power to Corporation to hold or sell lands acquired.

13. The Corporation may hold, subject to the said articles of agreement, for so long a time as they shall think fit, all lands acquired by them for the purposes of this Act, and may from time to time sell and dispose of all or any part of such lands as shall not have been appropriated by them for public streets and other purposes of this Act, and the proceeds arising from such sales shall be applied in the reduction of any money borrowed and owing by the Corporation at the time of such sale.

Powers to take lands compulsorily.

14. The Corporation may, subject to the provisions of this Act, enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the new street, works, and improvements, and for other purposes of this Act.

Power to deviate.

15. In constructing the said works or any of them the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans, and may also deviate from the levels shown on the deposited sections to any extent not exceeding fifteen feet in the construction of the new street, where such deviation shall be necessary in order to form a junction with Mill Street when raised as provided by the said articles of agreement.

Power to stop up roads, &c.

16. The Corporation may for any purpose of or connected with the execution of the said several works or any of them remove, break up, destroy, alter, divert or stop up, use, and appropriate all or any part of any road, street, footway, bridge, sewer, drain, watercourse, stream, or other property within the limits of lateral deviation defined in the deposited plans, first providing a substitute before interfering therewith or with the flow of sewage in any drain or sewer.

Powers for compulsory purchases limited.

17. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Period for completion of works.

18. The works hereby authorised shall be completed within eight years from the commencement of this Act, and on the expiration of

A.D. 1873.

such period the powers by this Act granted to the Corporation for making the said new street and other works, or otherwise in relation thereto, shall cease except as to so much thereof as shall be then completed.

Part III.—Relating to Markets, Slaughter-houses, &c.

Corporation to maintain and regulate markets and fairs.

19. The limits of the markets shall be the city, and subject to the provisions of this Act the Corporation from time to time may do the following things or any of them within the city; that is to say,

Maintain, establish, and regulate the existing and new markets in the city for supplying the inhabitants of the city and the neighbourhood thereof with such cattle, provisions, goods, and other marketable commodities as the Corporation from time to time think fit to allow to be bought and sold therein:

Maintain and regulate the fairs held in the city in such manner as they from time to time think fit:

Appoint such places in the city and times for the holding of such markets and fairs respectively as they from time to time think fit, discontinue the markets and market places existing at the commencement of this Act, or any of them, on substituting other proper and convenient markets and market places for the purpose of holding markets:

Provide houses and places for weighing carts:

Make convenient approaches to the markets:

Provide all things necessary for the convenient use of the markets:

Purchase land for any of the foregoing purposes:

Take stallages, rents, and tolls in respect of the use by any person of the markets, not exceeding those specified in the schedule to this Act:

Provided always that the Corporation shall not discontinue any of the existing markets or market places or establish any other market or market place, without the consent of two thirds of the members present at a meeting convened for the purpose.

Penalty on sales of cattle, &c. elsewhere than in markets.

20. Every person who after the passing of this Act shall sell or expose for sale without the license and consent of the Corporation under their corporate seal first obtained at any place within the borough not being a market-house or market place or place for a fair any cattle, carcases, hides, skins, hay, straw, or fodder, in respect of which tolls are authorised to be taken by the Corporation, shall for every such offence forfeit a sum not exceeding forty shillings: Provided always, that nothing herein contained shall prevent any person from selling or exposing for sale by retail in his

own dwelling-house, shop, or warehouse any of the articles aforesaid, such articles being his own property: Provided also, that nothing herein contained shall prevent the owner of any horse, or any licensed horse-dealer on behalf of such owner, from selling or exposing the same for sale otherwise than by auction on his own premises, or from showing or trying any horse preliminary to any such sale or intended sale thereof.

Restrictions on stalls.

21. No stall shall be placed in any street within the city on any day whatsoever without the sanction of the superintendent of the markets or his deputy; and all stalls placed with such sanction shall be subject to the tolls and regulations of the markets, and if any person places a stall in contravention of this section, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Restriction on hawking.

22. No person shall in any covered market hawk any goods for sale, or in any manner create any disturbance, and every person so offending shall, for every such offence be liable to a penalty not exceeding forty shillings.

Prohibition of steelyards.

23. No person shall use in any market any steelyard for the purpose of weighing any articles sold therein; and any person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Tolls payable for successive occupations on same day, &c.

24. The several tolls payable with respect to the occupation or use of any market, fair, open space, or other convenience shall be payable not only by the original taker or occupier thereof for part of a day or other time, but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Power to license slaughter-houses.

25. With respect to the licensing of slaughter-houses, the following provisions shall have effect; (namely,)

(1.) The Corporation shall from time to time grant licenses for the use of buildings as slaughter-houses, and they may demand a sum not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period:

(2.) They may by order revoke or suspend the license for any slaughter-house when in their opinion the same is a nuisance:

(3.) In case of any such revocation or suspension the Corporation shall give notice thereof to the owner or occupier of such slaughter-house:

(4.) If any person slaughters or dresses for sale any animal in any slaughter-house the license for which is suspended or

A.D. 1873.

revoked, he shall be liable to a penalty not exceeding five pounds:

(5.) If any licensed slaughter-house is not used as such for the space of three months, the license thereof shall be deemed to have lapsed:

(6.) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses and the prevention of cruelty therein, and for the cleansing thereof and for the supplying thereof with water.

Power for officers to examine bad meat.

26. It shall not be obligatory on any officer of the Corporation acting under the powers of the Nuisances Removal for England Act (Amendment) Act, 1863, who finds any animal or article as aforesaid which appears unfit for the food of man to seize and carry the same before any justice, in order to the further inspection or examination thereof by competent persons, but any such officer may of his own authority seize such animal or article as aforesaid, and on such inspection or examination by competent persons any justice may thereupon make such order in the premises in like manner as if such inspection and examination had been made under his order.

Officers may inspect knackers yards.

27. Any inspector or other officer authorised by the Corporation for that purpose may at all times, with or without assistance, enter into and inspect any knacker's yard, houses, or place wheresoever kept or used for slaughtering horses or other animals, and any building, shed, yard, or place belonging thereto, and ascertain the state and condition thereof.

Slaughtering prohibited except in slaughter-houses provided or licensed by the Corporation.

28. It shall not be lawful for any person to slaughter for sale any animal, or to dress for sale the carcase of any animal, in any place within the city other than a slaughter-house provided or licensed by the Corporation; and if any person acts in any respect in contravention of this section he shall be liable to a penalty not exceeding five pounds.

Part IV.—Relating to Rates and Borrowing.

Expenses of executing Act by Corporation.

29. The Corporation may from time to time, when and as often as occasion requires, raise and levy as part of the general district rate such sum as shall be necessary for defraying the charges and expenses of executing the several works by this Act authorised to be executed, and of otherwise carrying the powers of this Act into execution.

Application of revenue.

30. The Corporation shall apply all moneys from time to time received by them from the general district rate and all market and

fair tolls and other revenue from time to time received by them under this Act as follows: A.D. 1873.

Firstly. In payment of the expenses of and incidental to the raising, levying, and recovering of the general district rate:

Secondly. In payment of the money borrowed before the passing of this Act, and of the interest thereon, at the same times and in the same manner as if this Act had not been passed:

Thirdly. In payment of all moneys borrowed under the powers of this Act, and of the interest thereon:

Fourthly. In setting apart from time to time, from and after the 1st day of January one thousand eight hundred and seventy-six, such sums as with the interest to accrue thereon will, in the period of fifty years from that day be sufficient to pay off the moneys to be borrowed under this Act:

Fifthly. In carrying into execution the powers of this Act, and in payment of any charges or expenses for the time being payable out of the general district rate or otherwise for the public benefit of the inhabitants and the improvement of the district.

Annual return to Local Government Board with respect to sinking fund.

31. The clerk to the urban sanitary authority shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the urban sanitary authority have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

A.D. 1873.

Confirmation of agreement with railway companies.

32. The articles of agreement entered into between the London and North-western Railway Company and the Caledonian Railway Company and the Corporation, a copy of which is contained in the Schedule (B.) to this Act, are hereby confirmed and made binding between the parties.

Application of moneys payable by railway companies.

33. The sum of thirty-eight thousand pounds payable by the London and North-western and the Caledonian Railway Companies to the Corporation under the said articles of agreement shall be applied in payment of the costs, charges, and expenses of and incident to the opposition to the Company's Bill, and to the obtaining and passing of this Act, or otherwise in relation thereto, and towards constructing the new street and other works authorised by this Act and incidental thereto.

Borrowing Powers.

Power to raise money on credit of rates.

34. The Corporation, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the several works and other purposes authorised by this Act, may from time to time, in addition to any existing mortgage debt, borrow and take up at interest on the security of the general district rate any sums of money not exceeding in the whole the sum of fifty thousand pounds, and for the purpose of securing the repayment of any sums so borrowed, together with the interest, the Corporation may mortgage to the persons by or on behalf of whom such sums are advanced the said rates, but the exercise of the above power shall be subject to the following regulations:

The money may be borrowed for such time not exceeding fifty years as the Corporation may determine in each case, and subject as aforesaid the Corporation may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the Corporation may determine: Provided always, that no greater sum than twenty-five thousand pounds shall be borrowed under the powers of this Act without the approval of the Local Government Board.

Saving borrowing powers.

35. Nothing in this Act shall restrict any of the powers of the Corporation to borrow money otherwise than under the authority of this Act.

Power to re-borrow.

36. If the Corporation pay off any part of any money borrowed by them under this Act or under any former Act, and remaining

owing at the commencement of this Act, otherwise than by means of a sinking fund, they may from time to time re-borrow the same, and all money so re-borrowed shall be repayable within the period at which the money so paid off would have been repayable. A.D. 1873.

Protection to lender from inquiry as to application of money.

37. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or misapplication or non-application of such money, or any part thereof.

Income of Corporation under Act.

38. All the moneys from time to time borrowed by the Corporation under this Act, and all moneys from time to time received by or for the use of the Corporation under this Act or in carrying it into execution, shall from time to time forthwith after the receipt thereof be paid to the treasurer, or to such other officer as the Corporation may from time to time appoint, and shall be carried to the credit of the proper account.

Part V.—Byelaws.

Recovery of penalties under bye-laws.

39. All penalties payable under any byelaw made by the Corporation under the powers of this Act may be recovered and enforced in the manner provided by the Act for the regulation of municipal corporations, and such penalties when so recovered shall be applied in the same manner as penalties recovered under that Act are directed to be applied.

Evidence of byelaws.

40. A printed copy of any byelaws made by the Corporation, certified by their clerk to be a true copy and to have been duly made, approved, and published and sealed with the seal of the Corporation, shall be evidence of such byelaws for all purposes whatsoever, and it shall not be necessary to produce the original byelaws or to prove the making, confirmation, or publication thereof.

Part VI.—Compensation.

Compensation by Corporation may be in land, works, or money.

41. The Corporation, whenever they are by this Act required to make any compensation to any owner or occupier of or person interested in any lands or buildings, may, if they think fit, by agreement, make such compensation in whole or in part in land, works, or money.

Part VII.—Miscellaneous.

Saving rights of Corporation.

42. Nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy under the Municipal Corporation Acts, the Sanitary Acts, or by charter,

A.D. 1873.

law, or custom, or otherwise independently of this Act, and all powers, rights, and remedies given to the Corporation by this Act shall (except where otherwise specially provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, charter, law, or custom, and the Corporation may exercise such other powers as if this Act had not passed.

Corporation liable for nuisances.

43. Nothing in this Act contained shall protect the Corporation from any indictment or other proceeding in respect of any nuisance caused by them.

SCHEDULES referred to in the foregoing Act. A.D. 1873.

SCHEDULE A.

Part I.

Market Tolls.

From the occupier of each butcher's stall, according to the size and dimensions of the same; (videlicet) for each superficial square foot thereof:

If in the covered market:

If taken by the year, not exceeding the sum of six shillings and eightpence.

By the half-year, not exceeding the sum of three shillings and fourpence.

By the quarter, not exceeding the sum of one shilling and eightpence.

If otherwise taken or occupied, for each market day or other day in the week, one penny three farthings.

If in the open market place:

If taken by the year, not exceeding the sum of six shillings.

By the half-year, not exceeding three shillings.

By the quarter, not exceeding one shilling and sixpence.

If otherwise taken or occupied, for each market day or other day in the week, one penny halfpenny.

From the occupier of each stand for vegetables raised above the ground, with progressive steps or benches, according to the size and dimensions of the same, (videlicet) for each superficial square foot thereof:

If in the covered market:

If taken by the year, not exceeding five shillings.

By the half-year, not exceeding two shillings and sixpence.

By the quarter, not exceeding one shilling and threepence.

If otherwise taken, for every market day or other day in the week, not exceeding one penny halfpenny.

If in the open market place:

If taken by the year, not exceeding four shillings.

By the half-year, not exceeding two shillings.

By the quarter, not exceeding one shilling.

If otherwise taken or occupied, for each market day or other day in the week, not exceeding one penny.

From the occupier of each other stand or bench, according to the size and limensions of the same, (videlicet) for each superficial square foot thereof:—

If in the covered market:

If taken by the year, not exceeding five shillings.

By the half-year, not exceeding two shillings and sixpence.

By the quarter, not exceeding one shilling and threepence.

If otherwise taken, for each market day or other day in the week, not exceeding one penny halfpenny.

A.D. 1873.

If in the open market place:

If taken by the year, not exceeding four shillings.

By the half-year, not exceeding two shillings.

By the quarter, not exceeding one shilling.

If otherwise taken, for each market day or other day in the week, not exceeding one penny.

From the occupier of each compartment or space on the surface of the ground, according to the size and dimensions of the same, (videlicet) for each superficial square foot thereof:

If in the covered market:

If taken by the year, not exceeding three shillings and tenpence.

By the half-year, not exceeding one shilling and elevenpence.

By the quarter, not exceeding elevenpence halfpenny.

If otherwise taken, for each market day or other day in the week, not exceeding one penny.

If in the open market place:

If taken by the year, not exceeding three shillings.

By the half-year, not exceeding one shilling and sixpence.

By the quarter, not exceeding ninepence.

If otherwise taken, for each market day or other day in the week, not exceeding three farthings.

For every person exposing any article, matter, or thing for sale in the market beyond the limits of the stall, stand, or bench, or defined compartment or space occupied by such person:

If in the covered market:

For every basket, hamper, parcel, or quantity of such article, matter, or thing not containing more than one bushel, not exceeding one penny halfpenny.

For every additional half bushel or portion thereof, one penny.

And if in the open market place:

For every basket, hamper, parcel, or quantity of such article, matter, or thing, not containing more than one bushel, not exceeding one penny halfpenny.

For every additional half bushel, or portion thereof, one penny.

From every person exposing butter, eggs, poultry, game, or other birds or animals for sale in the market and not using a stall, per day:

For every ordinary or market hand-basket containing butter, eggs, poultry, game, or other birds or animals, not exceeding one penny halfpenny.

For every other or larger basket, hamper, or lot of butter, eggs, poultry, game, or other birds or animals, not exceeding threepence.

For every person showing samples of any description of grain per day:

If in the covered market, not exceeding two shillings;

If in the open market place, not exceeding one shilling;

For every cartload of hay, straw, clover, or grass, not exceeding sixpence;

For every waggon load thereof, not exceeding ninepence;

For every cart standing in the market place exposing anything for sale, not exceeding one shilling; and

For every waggon, not exceeding one shilling and sixpence;

For every caravan or conveyance used for the sale of miscellaneous goods, per square foot of ground occupied, not exceeding three farthings.

For every other conveyance used for exposing commodities of any kind for sale, per day: A.D. 1873.

For every cart, not exceeding one shilling:

For every waggon, not exceeding one shilling and sixpence:

For every show, public exhibition, round-about, or swing, per square foot of ground occupied, not exceeding three farthings:

For every person standing or walking in the market exposing commodities of any kind for sale, and not occupying any defined compartment or space on the surface of the ground, not exceeding sixpence per day:

For every person holding a public auction in the open market-place, not exceeding five shillings per day.

The stallage and the several tolls and rents before mentioned and specified shall be payable and paid for and in respect of the occupation and use of any stall, standing place, bench, compartment, or space of ground, as well by the original taker or occupier thereof, for a part or portion of the week or day for which the same stall, standing place, bench, compartment, or space of ground shall be taken or hired, in case he shall not occupy or use the same for and during the whole of such week or day respectively, as also by any subsequent taker or occupier of the same stall, standing place, bench, compartment, or space of ground, for the residue of any part or portion of the same week or day respectively.

Part II.

Tolls for the Cattle Market.

For every horse, mare, or gelding brought or exposed to sale, fourpence:

For every colt, filly, or foal, twopence:

For every bull, steer, cow, or heifer, sixpence:

For every calf, twopence:

For every mule or ass, one penny:

For every sheep or lamb, twopence; if unpenned, one penny:

For every swine or hog, twopence:

For every sucking pig, one penny:

For every head of lean stock, threepence.

Part III.

Tolls for Slaughter-houses.

For all cattle, beasts, sheep, or swine slaughtered in the slaughter-houses, the tolls herein-after mentioned; namely,

For every ox, cow, bullock, steer, or heifer, one shilling and sixpence:

For every calf, sixpence:

For every sheep or lamb, threepence:

For every hog or pig, sixpence:

For every other beast, one shilling and sixpence.

Part IV.

Weighing and Measuring Tolls.

For weighing every piece of meat or thing weighing not more than twenty pounds avoirdupois, one halfpenny:

A.D. 1873.

For weighing every piece of meat or thing weighing more than twenty pounds, and not exceeding two hundred and forty pounds, one penny:
And so in proportion for any greater weight than two hundred and forty pounds.

Part V.

Tolls for weighing Carts.

For every cart with its load less than one ton, threepence:
For every cart with its load more than one ton, fourpence:
For every waggon, of whatever weight, sixpence.

SCHEDULE B.

ARTICLES OF AGREEMENT REFERRED TO IN THE FOREGOING ACT.

Articles of Agreement made and entered into this seventh day of April 1873, between the London and North-western Railway Company and the Caledonian Railway Company (herein-after called the "two Companies") of the first part, the said Caledonian Railway Company of the second part, and the mayor, aldermen, and citizens of the city of Carlisle in their corporate capacity, and also as the urban sanitary authority for the district of the said city of Carlisle (herein-after called "the Corporation"), of the third part:

Whereas the two Companies are promoting in the present session of Parliament a Bill, intituled "A Bill for enlarging the extent and improving the "accommodation of the Citadel Station at Carlisle, and making and maintaining "new connecting lines between the various railways converging there, and for "other purposes" (herein-after called "the Companies Bill"), by which Bill powers are sought for constructing various railways, and amongst others, the railways therein and herein-after called railway No. 2 and railway No. 3, and interfering with and in the opinion of the Corporation, injuriously affecting the property of the Corporation, and several of the streets and roads within the said city:

And whereas by "The Carlisle Citadel Station Act, 1861," the two Companies were authorised to execute, amongst other works, the widening or extension of the bridge near to the north-western extremity of the passenger shed of the Citadel Station at Carlisle (herein-after called "Borough Street Bridge"), provided such extension should not without the previous consent in writing of the mayor, aldermen, and citizens of Carlisle, under the hand of the mayor or of the town clerk, exceed 68 feet, also the widening or extension of the railway bridge over Crown Street (herein-after called "Crown Street Bridge"), provided such extension should not without such consent as aforesaid exceed 50 feet:

A.D. 1873.

And whereas the two Companies by the Companies Bill propose to take powers to widen the said railway bridge called Borough Street Bridge at or near the north-western extremity of the passenger shed of the Citadel Station, to an extent not exceeding 70 feet beyond its present width; and the said railway bridge called Crown Street Bridge, near the southern extremity of the said passenger shed, to an extent not exceeding 85 feet beyond its present width; and also to raise the surface of the roadway over a certain bridge over the River Caldew in the said city called Nelson Bridge; and to alter the levels and gradients of Mill Street in the said city; and to stop up, interfere with, and affect other streets in the said city:

And whereas the Corporation are promoting in the present session of Parliament a Bill intituled "A Bill to empower the Corporation of Carlisle to make " and maintain new streets and roads, to alter, divert, and stop up existing streets " and roads, to purchase the present county gaol, and to provide another gaol in " lieu thereof, to alter, enlarge, improve, and regulate the markets, to borrow " money, and for other purposes" (herein-after called "the Corporation Bill"):

And whereas the Corporation by the Corporation Bill proposed to take powers, amongst other things, to construct certain new streets therein described, and to carry the same by means of a bridge or viaduct over the lines of the two Companies, near the north-western extremity of the passenger shed of the Carlisle Citadel Station, and also to widen, improve, and alter the levels and gradients of a certain street called Irish Gate Brow as therein mentioned:

And whereas the Corporation being of opinion that the proposed widening of the said Borough Street and Crown Street bridges, and the proposed heightening of the roadway over Nelson Bridge, and the other proposed alterations of and interferences with the streets of the said city, would be very prejudicial to the inhabitants of the said city and the public generally, deposited a petition against the Companies Bill:

And whereas the two Companies, being of opinion that the new streets or roads, and other works shown on the deposited plans referred to in the Corporation Bill would be very prejudicial to their interests, and to the interests of the other railway companies who are entitled to use the Citadel Station, deposited a petition against the Corporation Bill, and several other railway companies and the justices of the peace for the county of Cumberland, whose gaol was proposed to be taken by the Corporation Bill for the purposes of the said proposed new streets, also severally deposited petitions against the Corporation Bill:

And whereas the Companies Bill and the Corporation Bill were in the present session of Parliament respectively referred to a Committee of the House of Commons, and were heard and considered by such Committee in connexion with each other:

And whereas during the proceedings of the said Committee the Corporation, in order to obviate the objections raised to the said proposed new streets, submitted to the Committee that a line of street could be made in the direction shown on a certain plan marked D., herein-after referred to instead of the streets shown on the deposited plans referred to in the Corporation Bill, and that such substituted street might be constructed by the Corporation except so much thereof as would pass over the lines of the two Companies, or either of them, and that the two Companies should pay to the Corporation a sum of money towards the cost of the construction of the said substituted street:

A.D. 1873.

And whereas on the 1st of April 1873 the Committee found the preamble of the Companies Bill proved, and also found the preamble of the Corporation Bill proved, except so far as related to the powers to take the whole or any part of the said gaol, and resolved that in lieu of the said proposed new streets shown on the said deposited plans the Corporation should have power to carry out the said substituted line of street shown on the said plan marked D., and that the two Companies should construct at their own expense so much of the said substituted street as would pass over their lines of railway, and should pay to the Corporation the sum of thirty-eight thousand pounds for the purposes herein-after mentioned:

And whereas the two Companies and the Corporation have since the decision of the said committee agreed upon certain terms for carrying the same into effect, part of which have been carried out by means of clauses inserted in the Companies Bill and the Corporation Bill, and the remainder whereof are given effect to by this present agreement, which it is intended shall be incorporated in each of the said Bills by way of schedule:

Now these presents witness, that it is hereby respectively covenanted and agreed by and between the several parties hereto in manner following; that is to say,

1. A street, with all necessary approaches from other streets, shall be constructed, commencing at the west side of English Street, in the said city, northwards of the gaol, proceeding thence in a southerly direction, and ending at the bridge intended to be constructed over railway No. 3 beyond Nelson Bridge, the said street to be laid out in the direction and with the levels and gradients shown upon the plan and section, marked D., signed by William Henry Stone, Esquire, chairman of the said committee, and to be deposited with the clerk of the peace of the county of Cumberland, which street is to be carried over the streets called Borough Street and English Damside, or one of them, and over railway No. 2 and the Citadel Station lines of railway by means of a bridge or viaduct, and is to be of the width of 45 feet: Provided always, that it shall be lawful for the two Companies and the Corporation, by mutual agreement, to alter the said line, levels, gradients, and width.

2. The two Companies shall pay to the Corporation the sum of thirty-eight thousand pounds towards the cost of the construction by the Corporation of the said new street and approaches and the other purposes of this agreement, including the purchase of land for those purposes, such sum of 38,000*l.* to be paid by instalments upon the joint certificate of the engineers of the Citadel Station committee and the city surveyor of Carlisle, or in the event of difference between them upon the certificate of an engineer to be appointed by the president of the institution of civil engineers on the application of the two Companies or of the Corporation, as work is executed or properly purchased, the balance (if any) to be paid on the completion of the said new street.

3. The said new street and approaches shall be made and constructed by and at the cost of the Corporation, save that so much thereof as is next herein-after described shall be constructed by and at the cost of the two Companies, and the land required for such construction (except any land belonging to the two Companies or either of them, which shall be given by them for the purpose) shall be acquired by and at the cost of the Corporation.

4. The two Companies shall, at their own cost, construct and erect and for ever thereafter maintain the fabric of so much of the said bridge or viaduct and

new street, with all necessary abutments, piers, arches, girders, paving, flagging, and channelling, as extends from the west side of Borough Street or English Damside, as the case may be, to and including the pier or abutment of the said bridge or viaduct adjoining to and on the western side of the Citadel Station lines of railway as altered under the powers of the Companies Bill, and also so much of the said new street as extends from the west or Nelson Bridge end of Mill Street to the said intended bridge over railway No. 3.

5. The said new street with the said bridge or viaduct and all other necessary works in connexion therewith shall be made and completed to the satisfaction of and in such manner as shall be agreed upon by the engineers of the Citadel Station committee and the city surveyor of Carlisle, and, in case of any difference between them, as shall be settled and determined by an arbitrator to be appointed by the Board of Trade on the application of the two Companies or of the Corporation.

6. For the purpose of the said new street the Corporation shall at their own cost, within twelve months after the passing of the Corporation Bill, acquire the whole of the marble works and premises of Mr. Thomas Nelson, situate on the north side of Mill Street, and shall thereupon make over and convey to the two Companies free of charge (except the costs to be incurred by the two Companies about the necessary conveyances to them and other legal expenses) all such land portion of the said marble works and premises cleared of any erections and buildings thereon (the materials of which shall be the property of the Corporation) as will lie between the said new street, Mill Street, and the present Citadel Station, and also all such parts of Mill Street and Water Street as will be abandoned or rendered useless as street by the construction of the said new street and by the stopping up of such part of Water Street as the two Companies shall stop up under the powers of the Companies Bill and by the stopping up of the street and roadway under Borough Street Bridge as herein-after provided. The remainder of the land to be acquired by the Corporation under the provisions of this agreement shall be acquired by them within two years after the passing of the Corporation Bill.

7. The two Companies shall, at their own cost, construct a siding from railway No. 3 for traffic to or from the gasworks of the Corporation, terminating at such a point within the said gasworks as may be fixed by the Corporation, the land required for such siding within the said gasworks being provided by the Corporation at their own cost, and the two Companies shall maintain and keep such part of the said siding as is on their own land at all times in good working order and condition.

8. The two Companies shall be at liberty, at their own cost, to make a road not exceeding 25 feet in width from the Caledonian Railway Company's goods yard up to and to join the said new street as shown and laid down on the said plan marked D., the ground for the said road outside the said goods yard being provided by the Corporation free of cost, and the two Companies shall at their own cost, erect and construct the retaining wall between the said road and the said new street, and shall also repay to the Corporation the cost of re-erecting the scrubber now standing on the site of the said intended road.

9. The two Companies shall, at their own cost, construct and carry out all the works in connexion with the said new street, and all alterations of streets

A.D. 1873. or roads to the westward of the west or Nelson Bridge end of Mill Street, and shall also reconstruct Nelson Bridge to the width of forty-five feet, and shall for five years thereafter maintain and keep in repair the same, excepting the roadway thereof, and in such reconstruction the present water way underneath the arches of Nelson Bridge shall not be narrowed or interfered with.

10. All compensation which may become payable in consequence of raising the streets or roads on the Denton Holme side of the river Caldew shall be settled and paid by the two Companies, and all other compensation which may become payable to persons other than the two Companies in connexion with the said new street and approaches shall be settled and paid by the Corporation.

11. The earth which may be required by the Corporation in making the said new street and approaches shall be supplied and tipped by the two Companies at the places where required by the Corporation free of cost to the Corporation.

12. The said new street and all other works in connexion therewith or provided for by this agreement, shall be made and completed within the space of three years from the passing of the Corporation Bill into a law, and the two Companies shall not, previously to the expiration of the said three years, exercise any power of widening Borough Street Bridge, which may be conferred on them by the Companies Bill, and if the said new street shall, previously to the expiration of the said three years, have been made and constructed and opened to the public for traffic the two Companies shall thereupon, instead of widening Borough Street Bridge be at liberty to close and stop up as a public thoroughfare the street or road under Borough Street Bridge forming the communication between Borough Street on the east and Mill Street and Water Street on the west.

13. All works to be executed by the two Companies under this agreement shall be executed and completed by them within the space of two years and six months from the passing of the Corporation Bill into a law, and all the works to be executed by the Corporation under this agreement shall be executed and completed by them within the space of three years from the passing of the Corporation Bill.

14. If any or either of the parties to these presents shall make default in executing any works, or providing or acquiring any lands, or doing or performing any matters or things which by this agreement they are bound to execute, provide, acquire, do, or perform respectively, the other parties or party shall be at liberty, and they are hereby empowered, to execute such works, and provide or acquire such lands, and do and perform such matters and things respectively, and the parties or party so making default shall indemnify and save harmless the other parties or party in respect thereof, and shall reimburse such parties or party for and in respect of all costs, charges, and expenses which they or either of them shall or may have incurred by reason of any such default as aforesaid.

15. The two Companies shall, if required by the Corporation, exercise the power to be obtained by the Companies Bill of taking compulsorily the premises on the south side of Mill Street, numbered 380, 385, and 386, in the deposited plans and book of reference referred to in the Companies Bill, the Corporation undertaking to pay the compensation payable in respect of the said premises

and all costs and expenses which the said Companies may incur in and about the same. A.D. 1873.

In witness whereof the two Companies and the Corporation have to two parts of these presents of even tenor and date caused their respective common seals to be set and affixed the day and year first above written.

The common seal of the above-named London and North-western Railway Company was hereto affixed in the presence of

S. Reay,
Secretary.

Seal of the London and North-western Railway Company.

The common seal of the above-named Caledonian Railway Company was hereunto affixed in the presence of

Arch. Gibson,
Secretary.

Seal of the Caledonian Railway Company.

The common seal of the above-named mayor, aldermen, and citizens of the city of Carlisle was hereunto affixed in the presence of

Jno. Nanson,
Town Clerk,
Carlisle.

Seal of the Corporation of Carlisle.

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