CHAPTER XXXV.

An Act to sanction and confirm the construction by the Fulwood Local Board of the Horns Dam Reservoir and other works in the township of Goosnargh-with-Newsham and in the township of Haighton; to authorise the Local Board to acquire certain properties; to take land for sewage purposes; to increase the number of members of the Local Board; to borrow further money; to authorise the Local Board to purchase by agreement a portion of the undertaking of the Preston Tramways Company; and for other purposes. [25th June 1885.] A.D. 1885.

WHEREAS by the Fulwood and Whittingham Water Act 1882 (in this Act called "the Act of 1882") the powers granted by the Lancashire County Justices Act 1880 of constructing waterworks were transferred to the Local Board for the district of Fulwood (in this Act called the "Local Board") and the Local Board were by the Act of 1882 authorised to construct the additional waterworks therein described:

And whereas the Local Board have constructed a certain reservoir known as the Horns Dam Reservoir in the township of Goosnargh-with-Newsham and have laid down certain mains and pipes in connexion therewith and have also constructed certain works in the township of Haighton and have laid down certain mains and pipes in connexion with the reservoir and works authorised by the before-mentioned Acts but such reservoir and works are not constructed and such mains and pipes are not laid in the situation and according to the lines shown on the plans deposited with reference to the before-mentioned Acts and it is expedient to sanction and confirm the construction of the said reservoir works mains and pipes as constructed and at present existing:

And whereas it is expedient to authorise the Local Board to take and acquire lands for the purpose of the disposal of sewage and

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also to acquire certain properties in the township of Fulwood which are necessary for the purposes of the Local Board:

And whereas it is expedient to extend the limits within which the Local Board may supply water:

And whereas it is expedient to increase the number of members of the Local Board:

And whereas it is expedient that the Local Board be empowered to borrow further money:

And whereas it is also expedient that the Local Board should be authorised to purchase by agreement the portion of the undertaking of the Preston Tramways Company situate within the district of the Local Board:

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

And whereas estimates have been prepared by the Local Board for the purchase of land under the powers of this Act for the payment of the cost of works hereby sanctioned and confirmed and for other purposes by this Act authorised all being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 and such estimates are as follows:

Completing waterworks - -	£13,200	0	0
Sewage purposes - - -	5,000	0	0
Purchase of portion of Preston Tramways	4,000	0	0
	£22,200	0	0

And whereas plans and sections of the reservoir the construction of which is confirmed by this Act showing the lines and levels thereof and the lands which have been taken and are required therefor and of the lands which are necessary for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the twenty-eighth day of November one thousand eight hundred and eighty-four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Preston Herald (a local newspaper circulating in the district of the Local Board) such notice being in addition to the ordinary notices required for summoning such meeting resolved that

the expenses in relation to promoting the Bill for this Act should be paid out of the general district rates:

And whereas such resolution was published twice in the Preston Guardian (a local newspaper circulating in the district of the Local Board) and has received the approval of the Local Government Board:

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

And whereas the owners and ratepayers of the district of the Local Board in manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

Short title.

1. This Act may be cited as the Fulwood Local Board Act 1885.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their own benefit) are hereby so far as they are not varied by or inconsistent with this Act incorporated with this Act and for the purposes of such incorporation the Local Board shall be deemed to be the promoters of the undertaking or the undertakers.

Interpretation.

3. In this Act unless the context otherwise requires:

"The Local Board" means the Local Board for the district of Fulwood:

"The Preston Corporation" shall mean the mayor aldermen and burgesses of the borough of Preston:

"The Act of 1880" means the Lancashire County Justices Act 1880:

"The Act of 1882" means the Fulwood and Whittingham Water Act 1882:

"Water undertaking" means the water undertaking authorised by the Act of 1880 and the Act of 1882 and sanctioned and confirmed by this Act.

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Terms to which meanings are assigned by any of the Acts incorporated herewith have in this Act the same respective meanings Provided that the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Sanctioning and confirming construction of Horns Dam Reservoir.

4. The construction of the reservoir of the Local Board in the township of Goosnargh-with-Newsham known as the Horns Dam Reservoir as shown on the deposited plans together with the works in connexion therewith is hereby sanctioned and confirmed and the Local Board may maintain and use the same as part of their waterworks undertaking.

Confirming construction of works and purchase of lands in the townships of Goosnargh-with-Newsham and Haighton.

5. The reservoir and works and pipes connected therewith heretofore constructed and the lands that have been heretofore purchased or acquired by the Local Board in the townships of Goosnargh-with-Newsham and Haighton shall be deemed to be in all respects the reservoir works pipes and lands of the Local Board as fully as though they had been constructed purchased or acquired by the Local Board under the powers granted by the Act of 1880 and the Act of 1882.

Extension of limits for water supply.

6. The limits within which the Local Board may supply water shall extend to and include in addition to the parishes and places within the existing limits within which the Local Board may supply water the hamlet of Grimsargh in the township of Grimsargh-with-Brockholes in the parish of Preston and the hamlets of Ingol and Cottam in the township of Lea Ashton Ingol and Cottam in the parish of Preston.

Application of sections twenty-nine to forty (both included) of the Act of 1882 to extended district.

7. The Local Board shall within such extended district for the supply of water have the same powers respecting the rates to be charged for such supply of water and other matters in connexion therewith and shall be subject to the same obligations as fully as if such extended district had been within the limits of water supply authorised by section fourteen of the Act of 1882 and for this purpose sections fifteen and twenty-nine to forty (both included) of the Act of 1882 shall apply as if they were with any necessary modification re-enacted in this Act.

Power to take water from certain springs and streams.

8. The Local Board may divert into the Horns Dam Reservoir or other the works sanctioned and confirmed by this Act and may thereby impound take use and appropriate the water springs rivulets and streams in the township of Goosnargh-with-Newsham in the parish of Kirkham which now directly or derivatively flow or proceed into or supply the River Wyre.

Power to take certain pinfold and sandhole.

9. Subject to the provisions of this Act the Local Board may enter upon take and use the pinfold and sandhole in the township of Fulwood shown on the deposited plans and described in the deposited book of reference and may sell exchange or otherwise use or dispose of the same and in case of a sale the proceeds of such sale shall be applied towards the discharge of any moneys which the Local Board may have borrowed under the authority of this Act and such application shall be in addition to and not in substitution for the sinking fund by this Act provided.

Power to take certain lands for sewage purpurposes.

10. Subject to the provisions of this Act the Local Board may enter upon take and use for sewage purposes the lands shown on the deposited plans and described in the deposited book of reference or any of them (that is to say) :—

All those pieces of land situate in the hamlets of Ashton and Ingol within the township of Lea Ashton Ingol and Cottam in the parish of Preston in the county of Lancaster bounded on the south by the Preston and Wyre Railway on the north-western side by the Savick Brook on the north by the reservoir of Cottam Mill and on the east by land belonging or reputed to belong to Robert Blackledge and the boundary of the borough of Preston.

Power to take additional lands by agreement.

11. The Local Board may from time to time for sewage purposes purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion.

Correction of errors omissions &c.

12. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the Local Board may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited (as regards both the county and the parish or extra-parochial place) as if it had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Local Board may enter on purchase take and use the lands to which the certificate relates accordingly.

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Power to stop up portion of footpath.

13. The Local Board may make and maintain the footpath shown on the deposited plans and when they have constructed and opened such footpath for public traffic they may stop up and discontinue so much of the said existing footpath leading from Lea to Cottam as is marked on the deposited plans as intended to be diverted and thereupon all right of way over so much thereof shall be extinguished and the soil thereof shall vest in the Local Board so far as they are the owners of the lands on both sides thereof.

Power to form sewage farm &c.

14. The Local Board may upon the lands shown on the deposited plans and herein-before described as lands which the Local Board may take for sewage purposes or on any part thereof make and form a sewage farm with filter beds depôts and places for deodorising preparing manufacturing and converting sewage into manure and may irrigate such lands with sewage and may construct all requisite approaches conduits drains tanks buildings works and conveniences and may let lease or otherwise dispose of such lands.

Patent rights as to dealing with sewage &c.

15. The Local Board may from time to time contract for take and use any leave license or authority (not being exclusive) to work use exercise or put in practice any invention under any Letters Patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the utilisation treatment dealing with and disposing of sewage excreta and other refuse and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively.

Provision as to the supply of sewage to adjacent owners &c.

16. The Local Board may under any agreement with the owners or occupiers of any lands contiguous to the conduits or works of the Local Board supply to such owners or occupiers respectively sewage for the fertilisation of such lands and should any dispute arise as to the terms upon which such sewage shall be supplied the same shall be settled by arbitration in the manner provided with respect to arbitrations under the Public Health Act 1875.

Provision as to the supply of sewage to lands.

17. In supplying sewage for the irrigation of lands under the last preceding section the Local Board shall supply only such quantities of sewage as according to the nature of the soil and of the crop to which it is to be supplied can be absorbed so as to prevent any discharge of noxious matter into the wells ponds springs rivers or watercourses of the district or neighbourhood in or near which the lands are situate.

Power to execute works for fertilising purposes.

18. For the purpose of drawing off or supplying sewage for fertilising lands the Local Board may by agreement subject to the provisions of this Act make all necessary openings in their conduits or other works and construct execute lay down and maintain and

from time to time renew alter improve cleanse and repair all such works and apparatus as may be necessary or proper.

Power of entry for ascertaining quantity of sewage consumed by meter &c.

19. Any officer of the Local Board may after twelve hours notice enter any lands to through or into which sewage is supplied by them by measure or otherwise in order to inspect the meters instruments pipes and apparatus for the measuring conveyance reception and storage thereof or for the purpose of ascertaining the quantity of sewage supplied or consumed and may from time to time enter any lands for the purpose of removing any meter instrument pipe or apparatus the property of the Local Board and if any person hinders any such officer from entering or making such inspection or effecting such removal he shall for every such offence be liable to a penalty not exceeding five pounds but the power of entry conferred by this section shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Penalty for using sewage without agreement.

20. If any person not being entitled thereto under any agreement with the Local Board wrongfully takes or uses any sewage from any tank conduit pipe sewer or work belonging to the Local Board so as to interfere with the rights or property of the Local Board or shall pass into the conduits pipes or sewers of the Local Board any matter that shall be injurious to vegetation he shall for every such offence be liable to a penalty not exceeding five pounds.

Limit of time for compulsory purchase of lands.

21. The powers of the Local Board for the compulsory purchase and taking of lands under this Act shall not be exercised after three years from the passing of this Act.

Local Board not to take more than ten houses inhabited by labouring classes.

22. Nothing in this Act contained shall authorise the Local Board to purchase or acquire ten or more houses occupied wholly or partially by persons belonging to the labouring class in any urban sanitary district or in any parish or part of a parish not being an urban sanitary district For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Increase of number of members of Local Board.

23. From and after the expiration of one month from the passing of this Act the number of members of the Local Board shall be twelve instead of nine and such three additional members shall be elected by the Local Board within six weeks from the passing of this Act or within such further period as the Local

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Government Board may by order allow. The three members so elected shall retain office until the annual election provided for by the Public Health Act 1875 immediately following their election At the first annual election that shall take place after the said three additional members shall have been elected as aforesaid the four members receiving the largest number of votes at such annual election shall retain their office for a period of three years the member receiving the next largest number of votes shall retain his office for a period of two years and the member receiving the next largest number of votes shall retain his office for a period of one year In case any dispute or difference shall arise as to the period for which the persons elected at the first annual election mentioned in this section shall retain office such dispute or difference shall be decided by the chairman for the time being of the said Local Board.

Power for Local Board to borrow for construction of waterworks &c.

24. The Local Board may from time to time borrow on the security of the revenue of their water undertaking and of their district fund and general district rate (subject to the provisions of this Act) such sums as they may require for defraying the costs charges and expenses preliminary and of and incident to the obtaining and passing of this Act completing the waterworks the acquisition of land for sewage purposes and the purchase of the said portion of the Preston Tramways not exceeding in the whole twenty-two thousand two hundred pounds Provided that for the purpose of reckoning the period within which any sum re-borrowed is to be repaid the sum re-borrowed and the original loan shall be deemed to form the same loan.

Power to borrow further sums with approval of Local Government Board.

25. In addition to the moneys which under the last preceding section the Local Board are authorised to borrow they may from time to time with the approval of the Local Government Board and subject to such terms as to repayment and otherwise as the Local Government Board shall prescribe borrow at interest on the securities mentioned in the said section or any of them such sum or sums of money as they may require for any of the purposes for which money is by this Act authorised to be borrowed.

Application of borrowed moneys.

26. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are by this Act authorised to be borrowed and to which capital is properly applicable.

Certain regulations of Public Health Act as to borrowing money not to apply.

27. The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under

that Act any sums which they may borrow under this Act shall not be reckoned.

Power to mortgage district fund &c.

28. For securing any moneys which they are authorised to borrow or reborrow under the authority of this Act the Local Board may from time to time mortgage the revenue of their water undertaking and their district fund and general district rate and for the purpose of such mortgages sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 shall apply as if they were with any necessary modifications re-enacted in this Act.

Period for discharge of borrowed moneys.

29. The Local Board shall out of the district fund and general district rate discharge or make provision for the discharge of all moneys secured by mortgages granted by them under the authority of this Act by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within a period of sixty years from the time when such moneys are respectively borrowed but the Local Board shall not be bound to create any sinking fund or to commence any payment by instalment or any appropriation or setting apart of any moneys for the purposes of any sinking fund or instalments until the expiration of five years from the passing of this Act.

Power to re-borrow.

30. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-yearly instalments appropriations or annual repayments or out of the sinking fund or out of the proceeds of the sale of surplus lands they may re-borrow the same and so from time to time provided that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of the moneys in lieu of which such re-borrowing is made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing has been made and the obligations of the Local Board with respect to the repayment of such moneys by means of a sinking fund or by appropriations instalments or annual repayments shall not be affected by such re-borrowing.

Regulations as to sinking fund.

31. If the Local Board determine to pay off by means of a sinking fund any moneys borrowed by them on mortgage under the authority of this Act the following regulations shall be observed:

(1.) Such equal yearly or half-yearly sums shall be paid by the Local Board out of the revenue of the water undertaking and the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds ten shillings per centum per annum

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would be sufficient to pay off the moneys borrowed within such period not exceeding sixty years from the date of borrowing the same as the Local Board may in each case determine:

(2.) All sums paid into the sinking fund shall as soon as may be be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Local Board in like manner:

(3.) The Local Board may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created:

(4.) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied:

(5.) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual return to Local Government Board.

32. The clerk of the Local Board shall within one month after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund in respect of moneys borrowed by the Local Board 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 paid as an instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities on which any investment has been made and the purposes to which any portion of the sinking fund or investments or of the sums accumulated by way of interest

has been applied during the same period and the total amount (if any) remaining invested at the end of the year In the event of wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appears to the Local Government Board by that return or otherwise that the Local Board have failed to pay any instalment or set apart any sum required for any sinking fund or have applied any portion of the money so set apart or of the sums accumulated by way of interest to any purposes other than those authorised they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Power to borrow under Local Loans Act 1875.

33. (1.) The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another:

(2.) Any moneys borrowed in manner by this section authorised shall be a charge on the revenue of the water undertaking and the district fund and general district rate and such revenue fund and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875:

(3.) Every such loan shall be discharged within sixty years from the date of the same and such discharge or any part thereof may be effected by means of a sinking fund if the Local Board so think fit but the Local Board shall not be bound to create any such sinking fund or to set apart or appropriate any moneys for the purpose till the expiration of five years from the date of the passing of this Act:

(4.) For the purpose of reckoning the period within which any sum re-borrowed is to be repaid and of sections fourteen and fifteen of the Local Loans Act 1875 the original loan and the sums re-borrowed shall be deemed to form the same loan.

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Priority of existing mortgages or other securities granted by Local Board.

34. All mortgages or debentures granted by the Local Board before the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages or other securities granted or issued by the Local Board in exercise of the borrowing powers conferred by this Act on the Local Board.

Power to purchase part of the tramways of the Preston Tramways Company.

35. (1.) The Local Board may at any time purchase by agreement the portion of the undertaking of the Preston Tramways Company situate within the district of the Local Board and may make contracts and agreements with the Preston Corporation or other the proprietors for the time being of the remainder of the undertaking of the Preston Tramways Company as to jointly leasing the said undertaking and as to the division and application of the income to be derived therefrom:

(2.) The provisions of this section shall be in addition to and not in substitution for section forty-three of the Tramways Act 1870 but shall be subject to so much of the provisions of section forty-eight of the Preston Tramways Act 1878 as provides that the Preston Tramways Company shall not within the period of twenty-one years therein mentioned without previously offering their undertaking or such portion as shall be within the borough to the Preston Corporation sell to any person corporation or company other than the Preston Corporation their undertaking within the borough:

(3.) In the case of a purchase by the Local Board under this Act sections nineteen and forty-four of the Tramways Act 1870 shall apply:

(4.) Nothing in this section contained shall be deemed to empower the Local Board to place or use carriages upon any tramway and to demand and take tolls and charges in respect of the use of such carriages.

Carrying of mails.

36. (1.) The person or persons owning or working by virtue of the provisions of the preceding section the whole or any part of the undertaking of the Preston Tramways Company if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

(a.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by such person or persons as aforesaid in or upon any carriage that is to say—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the

maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by such person or persons as aforesaid in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger:

(d.) If such person or persons as aforesaid carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if such person or persons as aforesaid were a railway company and the tramway were a railway:

(2.) The remuneration for any services which have been performed by such person or persons as aforesaid in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and such person or persons as aforesaid or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section:

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and

36 & 37 Vict. c. 48.

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45 & 46 Vict. c. 74.

includes parcels within the meaning of the Post Office (Parcels) Act 1882:

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section:

(5.) For the purposes of this section the expression "person or persons" includes the Local Board the Preston Corporation or any company corporation or association.

For the protection of the London and North-western and Lancashire and Yorkshire Railway Companies.

37. For the protection of the London and North-western and Lancashire and Yorkshire Railway Companies in this section referred to as "the two companies" the following provisions shall unless otherwise agreed between the Local Board and the two companies have effect (that is to say):

1. Notwithstanding anything shown on the deposited plans described in the deposited book of reference or contained in this Act the Local Board shall not under the powers of this Act enter upon take or use the whole or any part of a strip of land ten yards wide situate on the north-east side of the Preston and Wyre Railway and between that railway and Savick Brook without the consent in writing of the two companies under their respective common seals:

2. In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways canals lands or property now or hereafter belonging to or used or occupied by the two companies or either of them or the bridges approaches viaducts stations or other works or any level crossings of the two companies or either of them the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the two companies or of the company whose railway canal or property may be so affected and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Local Board who also shall make good and repair the roads over any such bridges level crossings and approaches which the two companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local

Board And all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or canals or at any station or wharf thereon And if any such injury or interruption shall arise from or in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any main pipe or culvert in under or near to any bridge or level crossing the Local Board shall make compensation in respect thereof to the two companies or to such one of them as may be affected thereby the amount of such compensation together with full costs to be recoverable from the Local Board by all and the same means as any simple contract debt is recoverable.

Saving rights of Lancashire county justices.

38. Nothing in this Act shall be held to increase alter or diminish or in any way to affect the liabilities rights powers and privileges of the justices of the peace for the county palatine of Lancaster under the provisions of the Fulwood and Whittingham Water Act 1882.

Expenses of Act.

39. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the general district rate and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

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