

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of *Sussex*; and to confirm certain Proceedings of the Justices of the said County.

[2d *June* 1865.]

WHEREAS, although there is only One Commission of the Peace for the whole County of *Sussex*, the County has for Convenience been long treated as divided for the Purposes of the Transaction of the public Business of the County and the Administration of Justice at Quarter Sessions into the Eastern Division and the Western Division; and it is expedient that legal Validity be given to such Division for those Purposes, both as to the past and as to the future:

Be it therefore 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:

1. Subject to the Provisions of this Act, the Eastern Division and the Western Division of the County of *Sussex* shall each be and be deemed

Divisions to be separate Counties for

Purposes herein described.

deemed to have been a County of itself in relation to the Matters and Business following, namely,—in relation to the several Matters specified in the First Schedule to this Act, whether arising under or regulated by the several Enactments therein specified, or under or by any other Enactments for the Time being in force,—and in relation to all Matters whatever arising under or regulated by any of the Enactments in the same Schedule specified,—and in relation to all Expenditure required or permitted by any of those Enactments or by any other Enactments for the Time being in force to be made out of County Rates or Rates in the Nature of County Rates,—and in relation to all Business connected with any of the Matters in the present Section mentioned as far as the same relate to either Division separately; and the Justices of the Peace for the County, sitting in Quarter Sessions for the County in each Division thereof, shall have and be deemed to have had the like Powers and Authorities to transact such Business in and for each Division separately, as if each Division was and had been a whole County of itself with a Commission of the Peace for such whole County.

Divisions not to be separate Counties for other Purposes herein described.

2. Nothing in this Act shall make a Division of the County of *Sussex* a County of itself in relation to any of the several Matters specified in the Second Schedule to this Act, whether arising under or regulated by any of the several Enactments therein specified, or under or by any other Enactments for the Time being in force,—or in relation to any Matter whatever arising under or regulated by any of the Enactments in the same Schedule specified,—or in relation to any Expenditure required or permitted by any of those Enactments or by any other Enactments for the Time being in force to be made by Justices of the Peace out of County Rates or Rates in the Nature of County Rates for the Purposes of any Establishment, Matter, or Thing, over the establishing or constituting whereof Justices of the Peace as such have no Authority,—or in relation to any Business connected with any of the Matters in the present Section mentioned.

21 & 22 Vict. c. 33. not to apply to Sussex.

3. Nothing in the Act of the Session of the Twenty-first and Twenty-second Years of Her Majesty's Reign (Chapter Thirty-three), "for the better Management of County Rates," shall apply or be deemed to have applied to the County of *Sussex*.

Divisions to be such for Purposes of future Acts.

4. Where any Enactment, passed after the passing of this Act, has Reference to Divisions of a County, then, subject to the Provisions of this Act, (unless a contrary Intention appears,) the Divisions of the

the County of *Sussex* shall be deemed Divisions within the Meaning of such Enactment, and every such Enactment shall extend and apply to the Divisions of the County of *Sussex* as if they had separate Commissions of the Peace.

Provision as to adjourned Sessions.

5. Every Court held or to be held in either Division of the County of *Sussex*, purporting to be a Court of Quarter Sessions for the County, and begun to be held in that Division within the Time allowed by Law for the holding of Quarter Sessions for the County, but after the Conclusion of the Business of the Court of Quarter Sessions for the County sitting in the other Division, shall for all Purposes be deemed to have been or to be the Court of Quarter Sessions for the County duly continued by Adjournment from the Court of Quarter Sessions for the County which before sat in the other Division, and that whether the Adjournment of the Court from a Place in the one Division to a Place in the other Division was or is actually made or not, or was or is recorded or not.

Precepts for Divisions separately.

6. It shall be and be deemed to have been lawful for Justices of the Peace for the County of *Sussex*, in the Manner heretofore used, to issue their Precept from Time to Time to the Sheriff of the County, to summon Men of the Body of One Division of the County to serve as Jurors at a Court of Quarter Sessions, original or adjourned, to be held in that Division, and to cause such Precept to relate in all respects to One Division only of the County, as if the Division was and had been a County of itself, and for all Sheriffs, Constables, Officers, and Persons to act under a Precept so framed.

Notices of Appeals.

7. With respect to any Notice required to be given by One Party to another relative to any Appeal or other Matter to be heard and determined by the Court of Quarter Sessions of the Peace for the County of *Sussex*, the First Day of Sessions shall be deemed to be the Day on which the Court of Quarter Sessions for the County begins to be held in that Division wherein the Appeal or other Matter is heard and determined.

Special Court of General Sessions.

8. Nothing in this Act shall interfere with the Power of the Justices of the Peace for the County of *Sussex* to hold a Court of General Sessions of the Peace for the County; and a Special Court of General Sessions may be summoned and held as hereafter in this Act provided.

Mode of summoning Special Court.

9. If at any Time Two or more Justices of the Peace for the County of *Sussex* deliver to the Clerk of the Peace for the County or his

his Deputy a Requisition in Writing under their Hands and Seals for the summoning and holding of a Special Court of General Sessions for the County under this Act, stating the Business which they desire to be brought before the Court, and the Time and Place at which the Court is to be held (the Time being not less than Twenty-one Days after the Delivery of the Requisition, and the Place being within the County), the Clerk of the Peace shall, as soon as may be, and within Seven Days after the Delivery to him of the Requisition, publish the same, with a Notice that a Court will be held accordingly, by Advertisement inserted in Two Newspapers usually circulating in the County of *Sussex*.

Quorum and Adjournment of Special Court.

10. A Special Court of General Sessions of the Peace for the County of *Sussex* shall be held in accordance with such Requisition; and Nine Justices shall be a Quorum thereof; and the Court may adjourn from Time to Time and from Place to Place within the County as seems fit.

Authority of Special Court.

11. Such a Special Court of General Sessions shall have Authority to transact the following Business and no other,—namely, any Business specified in the Requisition, provided it is shown to the Court that it relates to or involves a Question with respect to the total Amount, or the Shares chargeable to the Divisions severally, of any Expenditure incurred or to be incurred for a Purpose common to or affecting both Divisions or concerning the whole County at large (including Expenditure in relation to any Establishment, Matter, or Thing for the Purposes of which the Divisions of the County of *Sussex*, under the joint Operation of this Act and of any Act relative to such Establishment, Matter, or Thing, are for the Time being united or authorized to be united as Two Counties of themselves), or with respect to some Matter or Thing preliminary to or consequent on any such Expenditure, and either that a Difference on the Question has arisen between the Justices sitting in Quarter Sessions in the Divisions severally, or that the Question has been referred to the Special Court by the Justices sitting in Quarter Sessions in one of the Divisions.

Orders of Special Court.

12. The Special Court of General Sessions shall not make, assess, or levy any Rate, or make any Order on the Treasurer of either Division of the County of *Sussex*, but the Order of the Special Court in any Business transacted by it shall be binding on the Justices of the Peace sitting in Quarter Sessions in each Division, and shall be carried into effect by those Justices accordingly, as far as the Divisions severally are affected by the Order.

13. It

Rates for Bridges in Western Division.

13. It shall be and be deemed to have been lawful for the Justices of the Peace for the County of *Sussex* sitting in Quarter Sessions in the Western Division of the County in the Manner heretofore used to make, assess, and levy separate Rates in the Nature of County Rates on and in the several Rapes in that Division, for Repair and Maintenance of Bridges in the several Rapes, and to appoint separate Treasurers of the several Rapes for the Purposes of those Rates.

Nothing to affect Sect. 6. of 18 & 19 Vict. c. 57. as to Expenses relating to Militia.

14. Nothing in this Act shall affect the Provisions of Section Six of the Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty's Reign (Chapter Fifty-seven) "further to amend "the Laws relating to the Militia in *England*" concerning the Expenses to be paid for the Purposes of the Acts therein mentioned relating to the Militia in the County of *Sussex*, or empower Justices of the Peace for the County of *Sussex* sitting in Quarter Sessions or in Special Court of General Sessions or otherwise to alter those Provisions.

Militia Storehouses.

15. It shall be and be deemed to have been lawful for the Justices of the Peace for the County of *Sussex* to provide and maintain out of County Rates for the Militia of the County Two separate Storehouses, with Quarters for the Permanent Staff, and other proper Conveniences and Appurtenances, at separate Places.

Nothing to affect Provisions of 48 G. 3. c. cvii.

16. Nothing in this Act shall affect the Provisions of the Act (Local and Personal) of the Forty-eighth Year of the Reign of King *George* the Third (Chapter One hundred and seven) "for enabling "the Justices of the Peace for the Eastern Division of the County "of *Sussex* to take down the present Shire Hall or Sessions House "in the Town of *Lewes*, and for enabling them to build another "Shire Hall or Sessions House in a more convenient Situation "within the said Town."

Proceedings for Acts done may be stayed by Court.

17. Any Action or Proceeding whatever shall not, after the passing of this Act, lie or be maintainable against any Person on account of the doing or omitting at any Time before the passing of this Act of anything the doing or omission whereof is made valid or lawful by this Act; and if any such Action or Proceeding is nevertheless brought or instituted the Court in which the same is brought or instituted or any Judge thereof may, on the Application of the Defendant, make such Order therein for staying Proceedings or such other Order as seems just; but any such Order may be at any Time afterwards discharged or varied as Justice may require.

Repeal of 27 & 28 Vict. c. 100.

18. The Act of the last Session of Parliament (Chapter One hundred) "to confirm certain Proceedings of the Justices of *Sussex*" is hereby repealed; but this Repeal shall not affect the past Operation of that Act, or any Rate, Order, Act, Matter, or Thing made, done, or regulated under that Act before the passing of this Act.

Short Title.

19. This Act may be cited as The County of *Sussex* Act, 1865.

The

The FIRST SCHEDULE.

Matters respecting which Divisions to be deemed separate Counties.

County Treasurers	12 Geo. 2. c. 29.
County Rates	15 & 16 Vict. c. 81.
Constabulary	2 & 3 Vict. c. 93. 3 & 4 Vict. c. 88. 7 & 8 Vict. c. 33. 19 & 20 Vict. c. 69. 22 & 23 Vict. c. 32.
Gaols and Houses of Correction	4 Geo. 4. c. 64. 5 Geo. 4. c. 85. 6 Geo. 4. c. 40. 7 Geo. 4. c. 18. 5 & 6 Will. 4. c. 38. 5 & 6 Vict. c. 98. 13 & 14 Vict. c. 105. 16 & 17 Vict. c. 43.
Asylums for Pauper Lunatics	16 & 17 Vict. c. 97. 18 & 19 Vict. c. 105. 19 & 20 Vict. c. 87. 25 & 26 Vict. c. 111.
Bridges	12 Geo. 2. c. 29. 14 Geo. 2. c. 33. 43 Geo. 3. c. 59. 52 Geo. 3. c. 110. 54 Geo. 3. c. 90. 55 Geo. 3. c. 143. 4 & 5 Vict. c. 49.
Highways	25 & 26 Vict. c. 61. 27 & 28 Vict. c. 101.

The SECOND SCHEDULE.

Matters respecting which Divisions not to be deemed separate Counties.

Militia	17 & 18 Vict. c. 105. 18 & 19 Vict. c. 57. 23 & 24 Vict. c. 94.
Coroners Salaries	23 & 24 Vict. c. 116.
Judges Lodgings	7 Geo. 4. c. 63. 2 & 3 Vict. c. 69.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.