SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER clxxx.

An Act to empower the Urban District Council of Littlehampton to purchase the ferry rights over the River Arun at Littlehampton and to construct a bridge over that river and for other purposes. [4th August 1905.] A.D. 1905.

WHEREAS by the Act (Local and Personal) 5 George IV. cap. xciv. intituled "An Act for establishing a ferry "over the River Arun at Littlehampton in the county of "Sussex and making roads to communicate therewith" (hereinafter called "the Act of 1824") the persons therein mentioned and their successors were appointed trustees (hereinafter called "the trustees") for carrying that Act into execution and the trustees were empowered to establish and maintain a ferry and to make and maintain certain roads in connection therewith:

And whereas in pursuance of powers granted by the Act of 1824 the trustees have established ferries including a ferry for the transport of carriages and vehicles at Littlehampton (hereinafter called "the ferry") and have made certain roads to communicate therewith such roads being the roads shown on the plans deposited as hereinafter mentioned:

And whereas various important roads in the county of Sussex converge upon the ferry the nearest bridge to the ferry across the River Arun being the bridge in the borough of Arundel four miles distant:

And whereas the existing carriage ferry boat or barge of the trustees and the roads and approaches thereto are not sufficient to accommodate the local and general traffic of the district:

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And whereas in the interests of the public and of the inhabitants of the district it is expedient that the urban district council of Littlehampton (hereinafter called "the Council") should be authorised to purchase the undertaking of the trustees and to acquire all their property rights and privileges and that they should also be authorised to construct a bridge with an opening span over the River Arun in place of the existing carriage ferry:

And whereas it is also expedient that the roads belonging to the trustees not within the urban district of Littlehampton should when acquired by the Council under the authority of this Act be vested in and maintained by the local or road authorities of the districts within which they are respectively situate as in this Act provided:

And whereas it is expedient that the Council be enabled to raise moneys for the purposes of this Act:

And whereas the owners of the farm known as Bailiffs Court Farm in the parish of Climping have agreed to convey the land required for the bridge and approach on the west side of the River Arun in consideration of the tenant of that farm being exempt from the payment of tolls as hereinafter provided:

And whereas the Duke of Norfolk has guaranteed the urban district against any loss in the working expenses of the said bridge during the first five years from the date of the opening of the bridge for traffic to an extent not exceeding one thousand pounds subject to the reimbursement of any money paid under such guarantee out of the profits which may be made in connection with the said bridge on the expiration of such term of five years:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas the estimate for the construction of the bridge and approaches thereto authorised by this Act is fourteen thousand pounds:

And whereas the works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-fourth day of October one thousand nine hundred and four after ten clear

days' notice by public advertisement of such meeting and of the purpose thereof in the Littlehampton News a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas the said resolution was published twice in the Littlehampton Gazette a newspaper published and circulating in the district 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 Council at a further special meeting held in pursuance of a similar notice on the sixteenth day of January one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the said intended bridge and of the approaches thereto and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes of this Act have been deposited with the clerk of the peace for the county of Sussex and are hereinafter in this Act respectively referred to as the deposited plans sections and book of reference:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Littlehampton Urban District Council (Arun Bridge) Act 1905.

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Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.
Part II.—Purchase of Ferry Undertaking.
Part III.—Bridge and Works.
Part IV.—General Provisions for Ferry and Bridge Undertaking.
Part V.—Tolls.
Part VI.—Financial.
Part VII.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and so much of the Railways Clauses Consolidation Act 1845 as relates to roads and to the temporary occupation of lands near the railway are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

And in this Act—

"The district" means the urban district of Littlehampton ;

"The Council" means the Littlehampton Urban District Council ;

"The Act of 1824" means the Act (Local and Personal) 5 George IV. cap. xciv. intituled "An Act for establishing a ferry over the River Arun at Littlehampton in the county of Sussex and making roads to communicate therewith" ;

"The trustees" means the trustees appointed by the Act of 1824 and includes the subscribers and contributors to or proprietors of the undertaking authorised by that Act ;

"The Act of 1844" means the Act (Local and Personal) 7 & 8 Vict. cap. lxvii. intituled "An Act for making a railway from the Shoreham Branch of the London and Brighton Railway to Chichester" ;

"The Duke of Norfolk" means the most Noble Henry Duke of Norfolk K.G. his successors and assigns ;

"The port commissioners" means the commissioners acting under the Acts (Local and Personal) 6 Geo. II. cap. xii. 33 Geo. III. cap. c. and 6 Geo. IV. cap. clxx.;

"The ferry rights" means the exclusive right of ferry across the River Arun between the southern boundary of the borough of Arundel and the sea;

"The ferry undertaking" means the undertaking of the trustees as hereinafter defined;

"The date of transfer" means the date of the transfer to and vesting of the ferry undertaking in the Council;

"The bridge" means the bridge and approaches and works connected therewith by this Act authorised;

"The ferry and bridge undertaking" means the ferry undertaking and the bridge;

The expressions "the district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district.

Definition of ferry undertaking.

5. "The ferry undertaking" means the undertaking of the trustees authorised by the Act of 1824 including the ferry rights of the trustees and all lands buildings plant property and works connected therewith and all easements rights powers authorities and privileges of or exerciseable by the trustees under that Act or otherwise and all registers books deeds plans and other documents relating to the undertaking of the trustees as the same exist on the date of transfer and all other estate real and personal of or belonging to the trustees on that date including the roads of the trustees hereinafter mentioned:—

The roads hereinbefore mentioned are—

In the parish and urban district of Littlehampton and county of Sussex—

(1) The road known as Terminus Road commencing at the east side of the carriage ferry of the trustees and terminating at its junction with High Street and Arundel Road Littlehampton;

(2) The road commencing at the southern end of Norfolk Road Littlehampton and proceeding along the seashore in an easterly direction to and terminating at the eastern boundary of the parish of Littlehampton:

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In the parish of Rustington and county of Sussex—

(3) The road commencing at the termination of Road (2) above described and proceeding along the seashore to and terminating at Rustington Mill:

In the parish of Climping and county of Sussex—

(4) The road known as Ferry Road commencing on the west side of the River Arun at the west side of the carriage ferry and terminating at a point 1,566 yards distant from the said carriage ferry and opposite Brook Pits Barn Climping;

(5) The road known as Grevatt Lane commencing by a junction with the road from Yapton to Climping near Hobbs Farm and proceeding westward to and terminating at the western boundary of the parish of Climping:

In the parish of Yapton and county of Sussex—

(6) The continuation of the said road known as Grevatt Lane commencing at the western boundary of the parish of Climping before mentioned and proceeding westward to and terminating at the point where it joins the road leading from Bilsham to Middleton:

But excluding—

(A) Money lying to the credit of the trustees at their bankers or in hand at the date of transfer and all debts owing to them;

(B) All rights powers and privileges of the trustees relating to or incidental to their capital.

PART II.

PURCHASE OF FERRY UNDERTAKING.

Purchase of ferry undertaking.

6.—(1) The trustees shall sell to the Council and the Council shall purchase the ferry undertaking for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the trustees and the contributors or shareholders on the one hand and the Council on the other hand or as failing agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by

agreement and in the construction of the said provisions the expression "the Promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the ferry undertaking and the conduct of the claimants' case in such arbitration shall be in the hands of the trustees and of the shareholders or a majority in value of them.

(2) Within six months after the passing of this Act the Council shall serve upon the trustees notice of their intention to purchase the undertaking of the trustees.

(3) In addition to the sums to be paid by the Council to the trustees under the foregoing provisions of this section the Council shall on or before the first day of June one thousand nine hundred and six or the date of the signing and sealing of the contract for the construction of the bridge (whichever date shall first happen) pay to the trustees the reasonable costs and expenses incurred by the trustees preliminary to and of and incidental to their opposition to the Bill for this Act in the House of Lords and of and incidental to the transfer of the ferry undertaking and the winding up of their trust.

(4) The Council shall pay the purchase money on the date of the signing and sealing of the contract for the construction of the bridge or on the thirty-first day of December one thousand nine hundred and six (whichever shall first happen) and upon such payment the ferry undertaking with the rights powers and privileges appertaining thereto shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council free from all charges debts and liabilities upon or affecting the same.

(5) The bridge shall be completed and opened for traffic within five years from the passing of this Act.

(6) The Council shall pay compensation to any officers and servants in the regular employment of the trustees who shall not be retained by the Council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the trustees at the date of the signing and sealing of the contract for the construction of the bridge in respect of any loss of office or loss or diminution of salary or income by reason of the transfer of the undertaking by the trustees to the Council the amount of such compensation in default of agreement to be determined by arbitration.

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Provisions incidental to transfer.

7. With respect to the transfer of the ferry undertaking the following provisions shall have effect (that is to say) :—

(1) The trustees shall until the date of transfer carry on and manage the ferry undertaking according to their usual course of business and until such date shall maintain uphold and keep the buildings machinery barges boats works and property included in the ferry undertaking in their present state and condition (reasonable wear and tear excepted) and shall continue to keep proper accounts of their receipts and expenditure :

(2) The trustees shall be entitled to all rents profits book debts and sums of money accrued due in respect of the ferry undertaking up to the date of transfer and shall discharge all liabilities and outgoings up to that date including all liabilities in respect of causes of action then existing and shall be entitled also to the proportion of all rents profits and sums of money up to the date of transfer accruing to the trustees but not at that date actually due or payable and which shall be attributable to a period prior to the date of transfer and such rents profits and sums of money shall be apportioned between the trustees and the Council accordingly and shall when due be recoverable by the Council who shall pay to the trustees the proportion of all rents profits and sums of money recovered by them and attributable to a period prior to the date of transfer and all current rates taxes and outgoings shall similarly be apportioned between the trustees and the Council up to the date of transfer :

(3) The trustees shall not without the previous consent in writing of the Council borrow any money on mortgage of the ferry undertaking :

(4) The trustees shall not make or enter into any liability contract agreement or obligation except such as may be in the ordinary course of the proper conduct of the affairs of the trustees and with the intention of benefiting the ferry undertaking and until the trustees shall be finally wound up discharged and dissolved the trustees shall have full access at all reasonable times to the registers books documents and accounts

relative to the ferry undertaking for the purpose of making up the accounts of the trustees and for all other reasonable purposes in relation to the winding up of the affairs of the trustees.

Pending actions &c. by or against trustees.

8. If at the date of transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the trustees the same shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer or of anything in this Act but any such action or proceeding or cause of action or proceeding (other than one for the recovery of money due to the trustees on the date of transfer and which in accordance with the foregoing provisions of this Act is to belong to the trustees or in respect of any debt owing by the trustees on the date of transfer) may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the trustees if this Act had not been passed.

Contracts of trustees to be binding on Council.

9. Subject to the provisions of this Act all conveyances deeds contracts agreements and other instruments affecting the trustees and in force at the date of transfer shall as from that date be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the trustees the Council had been a party thereto and the Council shall indemnify the trustees from all actions suits claims or demands whatsoever in respect of the same.

Trustees to indemnify Council.

10. The trustees shall indemnify and save harmless the Council against all actions suits claims or demands against the Council or the ferry undertaking in respect of debts of the trustees or any liabilities in respect of causes of action existing at the date of transfer.

Books &c. to remain evidence.

11. All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the trustees shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Receipt for purchase money.

12. The receipt in writing of two of the trustees and two of the contributors or shareholders for the purchase money or consideration or any other sum of money to be paid to them

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by the Council shall effectually discharge the Council from liability for the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and on such payment the trustees shall forthwith proceed to take the necessary steps to wind up their affairs Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Council by the cashier of the said bank for the money shall have the same effect as the receipt of the said two trustees and two contributors or shareholders.

Distribution of purchase price.

13. The purchase price of or consideration for the ferry undertaking shall be applied in the manner following (that is to say) In the first place in payment of the costs and expenses of and incidental to the opposition to the Bill for this Act in the House of Commons and of the costs and charges of and incidental to any arbitration proceedings and the surplus shall be divided amongst the contributors or shareholders in proportion to the sum or sums of money contributed or the shares held by such contributors or shareholders.

Dissolution of trustees.

14. The trustees shall upon the distribution of the purchase price of or consideration for the ferry undertaking and upon the completion of the winding up of their affairs be and they are by virtue of this Act discharged and dissolved.

Carriage ferry may be discontinued.

15. From and after the opening of the bridge for public traffic and notwithstanding anything in this Act contained the Council shall not be under any obligation to work or maintain the existing carriage ferry of the trustees which is now maintained upon or near the site of the bridge as shown on the deposited plans.

Vesting and repair of certain roads.

16. Upon the date of transfer the roads by this Act authorised to be acquired by the Council so far as situate in the district shall forthwith by virtue of this Act vest in the Council as public highways and the roads so far as situate in the parishes of Rustington and Climping respectively shall upon the date of the completion and opening of the bridge for public

traffic vest in the East Preston Rural District Council and so far as situate in the parish of Yapton shall upon such last-mentioned date vest in the Westhampnett Rural District Council and the Council and each of those rural district councils respectively shall have and may exercise and shall be subject to all the rights powers privileges duties and obligations in respect to such roads so vested in them respectively as they have and may exercise and are subject to in regard to highways vested in them in pursuance of the Public Health Act 1875 or the Local Government Act 1894 as the case may be Provided that between the date of transfer and the date of the completion and opening of the bridge for public traffic the liability for the maintenance and repair of the roads shall vest in the Council.

For protection of East Preston Rural District Council.

17. In consideration of the East Preston Rural District Council as from the date of the completion and opening of the bridge for public traffic undertaking the making up of and future maintenance of the roads in the parishes of Climping and Rustington numbered 3 4 and 5 in and described in the section of this Act of which the marginal note is "Definition of ferry undertaking" the Council shall pay to the East Preston Rural District Council the sum of one thousand two hundred and fifty pounds towards the cost of such making up and maintenance such sum to be payable upon the vesting of the said roads in the East Preston Rural District Council and to be paid out of moneys raised or borrowed for the purposes of this Act The servants and workmen of the East Preston Rural District Council employed by that council in maintaining and repairing the said road numbered 4 and using the bridge while actually employed in such maintenance and repair and any materials required therefor and the carts or other vehicles conveying such materials over the bridge shall be exempt from payment of the tolls for the use of the bridge by this Act authorised.

For protection of Westhampnett Rural District Council

18. In consideration of the Westhampnett Rural District Council as from the date of the completion and opening of the bridge for public traffic undertaking the making up and future maintenance of the portion of the road known as Grevatt Lane in the parish of Yapton and numbered 6 in and described in the section of this Act of which the marginal note is

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"Definition of ferry undertaking" the Council shall pay to the Westhampnett Rural District Council the sum of three hundred and fifty pounds towards the cost of such making up and maintenance such sum to be payable upon the vesting of the said portion of road in the Westhampnett Rural District Council and to be paid out of moneys raised or borrowed for the purposes of this Act.

PART III.

BRIDGE AND WORKS.

Power to make bridge.

19. Subject to the provisions of this Act the Council may on and after the date of transfer make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge hereinafter described together with all proper approaches piers abutments roads works and conveniences connected therewith and may subject as hereinafter provided enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes or any other purposes of this Act.

The bridge hereinbefore referred to and authorised by this Act is an opening bridge over the River Arun on or near to the site of the existing carriage ferry of the trustees commencing in the parish and urban district of Littlehampton and county of Sussex at a point on the eastern side of the said river at the western end of Terminus Road and terminating on the western side of the said river in the parish of Climping and county of Sussex fifty yards or thereabouts measuring in a straight line in a westerly direction from the west end of the ferry toll house on the west side of the River Arun The bridge approaches and works will be situate wholly in the parishes of Littlehampton and Climping and the county of Sussex.

Saving for undertakers under Electric Lighting Acts.

20. Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

For protection of London Brighton and South Coast Railway Company.

21. For the protection of the London Brighton and South Coast Railway Company (in this section referred to as "the Brighton Company") the following provisions in addition to any other provisions for their protection contained in this Act or the Acts incorporated therewith shall apply:—

(1) In carrying out any works of diversion widening or alteration of Wharf Road and Terminus Road in the parish and urban district of Littlehampton where the said roads abut upon the property of the Brighton Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company and according to plans to be previously submitted to and approved by him in writing within one calendar month after submission or in case of difference as may be determined by arbitration in manner herein after provided Provided that if the said engineer does not disapprove such plans within such period of one calendar month he shall be deemed to have approved the same:

(2) All such works shall be carried out with all reasonable despatch and so as not to interfere more than is absolutely necessary with the access of the Brighton Company from their goods yard and wharf and the Brighton Company shall be at liberty if they think proper to make openings from their property abutting on to Wharf Road and Terminus Road at such points as they may require and to use such openings for any purposes connected with their traffic:

(3) The Council shall pay to the Brighton Company all costs and expenses reasonably incurred by the Brighton Company or by their said engineer in connection with such approval of the plans as aforesaid and all other reasonable costs damages and expenses to which the Brighton Company may be put by reason of the said works and the Council shall also bear and on demand pay to the Brighton Company all reasonable costs of the superintendence by their said engineer of the diversion widening or alteration of the said Wharf Road and Terminus Road where the same abut upon the property of the Brighton Company:

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(4) Any dispute or difference which may arise between the Brighton Company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Brighton Company and the Council or either of them.

Subsidiary works.

22. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may in connection with the bridge and for the purposes of access thereto make junctions and communications with any existing streets or roads which may be intersected or interfered with by or be contiguous to the bridge and may make diversions widenings or alterations of the lines or levels of any existing streets or roads for the purpose of connecting the same with the bridge or otherwise and may alter divert or stop up all or any part of any drain sewer watercourse river navigation stream channel or gas or water main or pipe or other pipe or wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section: .

Provided that the Council shall not alter divert or interfere with any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Temporary stoppage of streets.

23. The Council may during the execution and for the purposes of any work authorised by this Act from time to time stop up any street road or way and prevent all persons other than those bonâ fide going to or returning from any house in such street road or way from passing along and using the same for any reasonable time but convenient access to the houses in such street road or way shall be provided by the Council.

Power to dredge &c.

24. Subject to the provisions of this Act for the purposes of the works authorised by this Act the Council with the consent in writing of the port commissioners may within the limits of

deviation defined on the deposited plans dredge and deepen the bed of the River Arun and alter and interfere with the banks bed soil and foreshore of the said river and may drive such piles and erect such temporary staging and other temporary works and conveniences in upon or over the banks bed and foreshore of the said river as may be necessary or convenient and all such works shall be carried out under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer to the port commissioners Provided that all materials excavated or dredged under the provisions of this section if deposited below high water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Limits of lateral and vertical deviation.

25. In the construction of the works by this Act authorised the Council may with the consent in writing of the port commissioners deviate from the lines or position thereof shown on the deposited plans to any extent within the limits of deviation marked on the deposited plans and also from the levels shown on the deposited sections to any extent not exceeding six feet upwards and six feet downwards Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade.

Period for completion of works.

26. If the works authorised by this Act are not completed within five years from the date of transfer then on the expiration of that period the powers by this Act granted for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

As to construction of bridge.

27. Subject to the provisions of this Act—

(1) The bridge shall be so constructed by the Council as to have an opening span over the navigable channel of the River Arun of a clear width in every part of not less than sixty feet for the passage of vessels and also a clear headway in every part of the opening span of not less than ten feet above high water of ordinary spring tides:

(2) The bridge shall be constructed only in accordance with such plans sections and working drawings as shall have been approved of by the Board of Trade and the port commissioners in writing and such plans sections and working drawings shall show clearly (in addition to any other particulars which

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may be reasonably required by the Board of Trade) the site character and depth of the piers or supports of the bridge proposed to be placed in the bed or channel of the river or on the banks or foreshore thereof and the power and machinery by which the opening span is to be worked:

(3) The foundations of the piers of the bridge shall be laid at such a depth and in such a manner as to enable the port commissioners to dredge the river to a depth of three feet below the present depth.

Lights on works during construction.

28. The Council shall at or near the works below high water mark by this Act authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

29. The Council shall at the outer extremity of their works below high water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

For maintenance of channel of River Arun during construction of bridge.

30. The Council shall at all times during the construction of the bridge maintain and keep open for the passage of vessels a navigable channel at the site of the bridge and for a distance of one hundred yards above and one hundred yards below such site of not less width than sixty feet and of such depth as shall be equal to the depth for the time being of the navigable channel of the river for one hundred yards above the site of the bridge and if the Council fail so to maintain such channel during such period the port commissioners may by dredging or by abatement alteration or removal of works or obstructions or other reasonable means maintain and keep open such channel at the costs and

charges of the Council and the amount thereof shall be a debt due from the Council to the port commissioners and be recoverable in a summary manner.

Differences with port commissioners.

31. If any difference shall arise between the Council and the port commissioners under this Act or as to the reasonableness of any requirements of the port commissioners such difference shall unless otherwise agreed be referred to the determination of an engineer to be appointed by the President of the Institution of Civil Engineers.

Part IV.

General Provisions for Ferry and Bridge Undertaking.

Period for compulsory purchase of lands.

32. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

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

Correction of errors in deposited plans and book of reference.

34. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Sussex for the correction thereof and if it appear to such justices that such omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Sussex and a duplicate thereof shall be deposited with the clerk of the Council and with the clerks of the parish councils and rural district councils as the case may be in which the lands affected

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thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace clerk of the Council and clerk of parish and rural district councils respectively along with the other documents to which the same relate and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands and execute the works in accordance therewith.

Sale of buildings and plant.

35. The Council may sell any land buildings plant machinery vessels barges boats works and conveniences belonging to them in connection with the ferry and bridge undertaking and not required for such undertaking and any money arising from such sale shall be applied by them in repayment of the money borrowed by the Council under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of the money borrowed provided by this Act except to such extent only and upon such terms as may be approved by the Local Government Board Provided that any surplus remaining after such repayment shall be applied to such purposes as the Local Government Board may approve.

Council may provide and work ferry-boats &c.

36. For the purpose of exercising the ferry rights and of maintaining and working the ferry and bridge undertaking the Council may purchase construct hire and provide all necessary things including vessels barges and boats and engines and machinery for working such boats and the bridge with all proper and sufficient tackle gear apparatus and conveniences connected therewith and with the consent in writing of the port commissioners may lay down and maintain chains and cables and other apparatus along or across the River Arun or the bed thereof and may work the same by steam electrical or other mechanical power or otherwise and the Council may convey passengers animals vehicles and goods on payment of the tolls rates or charges by this Act authorised across the River Arun by means of such vessels barges and boats and bridge Provided that all cables chains pipes or wires across or under any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

Regulations as to use of mechanical power.

37. The Board of Trade may if they think fit make regulations for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power for working the ferry and bridge undertaking.

For protection of telegraphic and telephonic wires.

38. In the event of the ferry and bridge undertaking or either of them being worked by electrical power the following provisions shall have effect:—

(1) The Council shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working the ferry and bridge undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line used for the purpose of telegraphic telephonic or electric signalling communication or the currents in that wire or line whether that wire or line be or be not in existence at the time of the laying down or placing of the electric lines or other works:

If any question arises between the Council and the owner of any such wire or line as to whether the Council have constructed laid down or placed their electric lines or other works or worked the ferry and bridge undertaking in contravention of this subsection and as to whether the working of that wire or line or the current therein is or is not injuriously affected thereby that question shall be determined by arbitration and the arbitrator (unless he is of opinion that the wire or line not having been so in existence at such time as aforesaid had been placed in unreasonable proximity to the electric lines or works of the Council) may direct the Council to make any alterations in or additions to their machinery and apparatus so as to comply with the provisions of this section and the Council shall make those alterations or additions accordingly:

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Council shall unless otherwise agreed between the parties interested give to the owner of the wire or line notice in writing specifying the course nature and gauge of the electric line and the manner in which the electric line is intended to be used and the amount and nature of the currents

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intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive that notice may serve a requisition on the Council requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of the electric line for the purpose of preventing the injurious affection and the Council shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication through the wire or line from being injuriously affected as aforesaid If any difference arises between any such owner and the Council with respect to the reasonableness of any requirements so made that difference shall be determined by arbitration:

Provided that nothing in this subsection shall apply to repairs or renewals of any electric line so long as the course nature and gauge of the electric line and the amount and nature of the current transmitted thereby are not altered:

(3) If in any case the Council make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that the Council shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Council complied with the requirements of this section so far as was reasonable under the circumstances or that the default was due to the fact that the Council were ignorant of the position of the wire or line affected thereby and that that ignorance was not owing to any negligence on the part of the Council:

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid.

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39. In the event of the ferry and bridge undertaking or either of them being worked by electricity the following provisions shall have effect :—

For protection of Post Office telegraphic lines.

(1) The Council shall construct their electric lines and other works of all descriptions and shall work the ferry and bridge undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the ferry and bridge undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be determined by arbitration :

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

(3) Before any electric line is laid down or any act or work for working the ferry and bridge undertaking or either of them by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises

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between the Postmaster-General and the Council as to any requirements so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the working of the ferry and bridge undertaking or either of them the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Council pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(6) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act:

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

(12) In this section the expression "the Council" includes their lessees and any person owning or working by electrical power the ferry and bridge undertaking or either of them.

Vessels not to be detained at bridge.

40. The bridge shall be at all times maintained opened and worked by the Council so as not to interrupt or interfere with the navigation and traffic of the River Arun and to give and secure precedence and priority to vessels barges and boats requiring to pass through the opening span of the bridge over the road traffic requiring to use the bridge and in case any such vessel barge or boat shall be wilfully or negligently detained at the bridge or obstructed delayed or hindered in passing through the opening span thereof or in case any toll or payment shall be

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demanded taken or received for the passage of any vessel barge or boat through or under the bridge the Council or the person in charge of the bridge shall be liable to a penalty not exceeding five pounds irrespective of any question that may arise as to compensation for damage which penalty shall be recoverable either by the owner or master in command or charge of such vessel boat or barge or by the port commissioners:

Provided always that the master or person having command or charge of any such vessel barge or boat shall before such vessel barge or boat comes within half a mile of the bridge or if lying in harbour show or make some signal or give such notice to be determined from time to time by the Board of Trade as shall indicate to the person in charge of the bridge that such vessel barge or boat desires to pass the bridge.

Road traffic not to be unreasonably delayed.

41. The opening span of the bridge shall be worked opened and closed as quickly as practicable and the Council shall at all times keep a proper and sufficient staff to work and shall work the said span without unreasonable delay to the traffic of the road and in case any person employed by the Council shall wilfully or negligently detain contrary to the provisions of this section any person or vehicle or any cattle or other animals in charge of any person the Council or the person so offending shall be liable to a penalty not exceeding five pounds.

As to placing fenders &c. on bridge.

42. The Council may (if they think fit) and shall if so required by the port commissioners set up and erect fenders mooring posts and mooring stages for the protection of the bridge and for guiding vessels through the spans arches or openings thereof and for preventing such vessels from being driven thereon or injured thereby and the Council shall from time to time repair and keep in repair the said fenders mooring posts and mooring stages.

Power to port commissioners to deal with decayed works.

43. If the bridge shall be suffered by the Council to fall into decay so as to be or be calculated to become prejudicial or dangerous to the navigation or any works of navigation or if the Council shall not maintain the bridge in such condition as to prevent any prejudice or danger to the navigation the port commissioners after reasonable notice to the Council may apply to the Board of Trade to appoint and that Board may thereupon appoint an engineer or inspector to examine the same and report thereon and to specify what works (if any) are necessary or

proper to be done for the protection and preservation of the navigation And the port commissioners may thereupon forthwith execute and do the works specified in such report and may recover from the Council the reasonable costs charges and expenses of the examination and report and of executing such works and the amount of such costs charges and expenses shall be a debt due from the Council to the port commissioners and be recoverable accordingly in any court of competent jurisdiction.

Power to sublet ferry and bridge.

44. Subject to the provisions of this Act the Council may lease all or any portion of the ferry and bridge undertaking upon such terms and for such consideration as the Council may think fit Any rent or other consideration reserved upon any lease so granted shall be applied by the Council in manner provided by the section of this Act whereof the marginal note is "Application of revenue":

Provided that any fine or premium received in respect of such lease shall be applied by them in repayment of the money borrowed by the Council under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of money borrowed provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Any surplus remaining after such repayments shall be carried by the Council to the reserve fund referred to in the section of this Act of which the marginal note is "Application of revenue" or applied to such other purpose as the Local Government Board may approve.

Locomotives not to cross bridge without consent of council.

45. No locomotive shall be entitled to cross the bridge except with the consent of the Council and subject to such conditions and on payment of such tolls as the Council shall from time to time determine and if such consent be given the provisions in this Act contained with respect to vehicles shall apply to locomotives and the term "locomotive" shall be read and construed as including traction engines steam rollers motor vans waggons and lorries or any engines or vehicles of a similar character used for purposes of trade but shall not include motor cars or carriages in private use or any motor van waggon lorry car or vehicle used by any department of His Majesty's Government provided that the weight of any such vehicle does not exceed twelve tons.

Appointment of officers &c.

46. The Council may appoint remove and remunerate such officers and servants as may in their opinion be required for the purposes of working the ferry and bridge undertaking.

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Byelaws as to ferry and bridge undertaking.

47. The Council may subject to the provisions of this Act make byelaws with respect to the ferry and bridge undertaking for all or any of the purposes following (that is to say):—

(A) For regulating controlling and limiting the use of the bridge and any vessels and boats used for the ferry undertaking and works connected therewith:

(B) For preventing the commission of nuisances in or upon the bridge or the approaches thereto and the vessels or boats used for the purposes of the ferry undertaking:

(C) For preserving the bridge vessels boats and other works forming part of the ferry and bridge undertaking and preventing injuries and damage to the same:

(D) For regulating the duties and conduct of all persons whether officers and servants of the Council or not who shall be employed in and about the ferry and bridge undertaking and in and about the bridge vessels or boats used for the purposes thereof:

(E) For regulating the conveyance of passengers animals vehicles and goods across the bridge and in or upon any vessels or boats and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any animals vehicles or goods in any vessels or boats used for the purposes of the ferry undertaking which may in the opinion of the Council be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein:

(F) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to the bridge and other works:

(G) For preventing persons navigating vessels or boats from negligently or wilfully obstructing the working of the ferry and bridge undertaking and the vessels or boats used for the purposes thereof and for preventing any persons with boats horses or carriages or otherwise negligently or wilfully obstructing the approaches to the bridge the ferries and works or doing anything to hinder or interfere with the proper working of the same:

(h) For the preservation of order among the passengers and persons using the bridge vessels boats and other works forming part of the ferry and bridge undertaking:

And the Council may by the byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding five pounds for each breach of such byelaws Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Board of Trade.

Notice of application to Board of Trade to be given.

48. Notice of the application to the Board of Trade for the confirmation of any byelaws with respect to the ferry and bridge undertaking shall be given in one or more newspapers published or circulating in the district naming a place or places within the district where a copy of the proposed byelaws may be seen at all reasonable times and any person desiring to object to any byelaws so submitted for approval or confirmation shall give notice in writing to the Board of Trade and to the Council stating the nature of his objection within twenty-one days after the first publication of the notice as hereinbefore provided and the Board of Trade may if they think fit hold such inquiry locally or otherwise in reference to such application as they see fit and the expenses of the Board of Trade in connection with such inquiry shall be defrayed by the Council out of moneys received by them in respect of the ferry and bridge undertaking.

Part V.

Tolls.

Tolls for ferries and bridge.

49. Subject to the provisions of this Act the Council may on and after the date of transfer demand receive and recover for the use of the ferry and bridge undertaking the tolls and charges prescribed by section 50 (Tolls to be taken at the ferry) of the Act of 1824 (which section is set forth in the schedule to this Act) and also the tolls and charges for motor cars and other vehicles hereinafter mentioned not exceeding the following (that is to say):—

	s.	*d.*
For every car van and lorry drawn or propelled by mechanical power including the return journey on the same day—		
Under 3 tons in weight	1	0
Over 3 tons and under 5 tons in weight	2	0
For every ton or part of a ton over 5 tons in weight per ton	0	6

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	s.	d.
For every trailer to a car van and lorry drawn or propelled by mechanical power including the return journey on the same day—		
Under 3 tons in weight - - -	1	0
Over 3 tons and under 5 tons in weight -	2	0
For every ton or part of a ton over 5 tons in weight per ton - - - -	0	6
For every bicycle or tricycle propelled by mechanical power including the return journey on the same day - - - - - -	0	6
For every other bicycle and tricycle including the return journey on the same day - - -	0	3
For every trailer to a bicycle or tricycle including the return journey on the same day - -	0	3
For every passenger on a vehicle drawn or propelled by mechanical power plying for hire at separate fares (other than the driver and conductor) -	0	0½

Provided always that the provisions of the said section 50 of the Act of 1824 authorising tolls in respect of goods wares merchandise matters or things shall be read and have effect as if the words "or drawn or propelled by mechanical power" were inserted after the word "beast" where it first occurs in that provision.

Exemption from tolls in certain cases.

50.—(1) Nothing in this Act contained shall be deemed to authorise any tolls or rates to be demanded or taken for any person when on duty in the service of the Crown or any Government department or any officer of police in the execution of his duty or any horse or vehicle when being used on that service or in execution of such duty as the case may be.

(2) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Exemption of tenant of Bailiffs Court Farm from tolls.

51. Nothing in this Act contained shall authorise the Council to demand or take any of the tolls or charges by this Act authorised for the use of the ferry and bridge from the tenant for the time being occupying the farm known as Bailiffs Court Farm Climping or from any of his domestic servants and other servants employed in farming and his horses and vehicles when on or being used in such tenant's service for farming purposes.

Limiting weight to be carried on bridge.

52. No vehicle shall without the consent of the Council carry at one time upon the bridge (including the weight of such vehicle) more than twelve tons If any such vehicle is brought upon the bridge without such consent the owner or person in charge of such vehicle shall be liable to a penalty not exceeding five pounds and shall also pay to the Council compensation for any injury or damage which the bridge may sustain by reason of such vehicle being brought upon the bridge.

Power to erect toll gates weighing machines &c.

53. The Council may cause to be erected at or near the bridge or at such distance as they shall think expedient one or more toll gates toll houses and one or more cranes or weighing machines for the weighing of engines and vehicles whether conveying goods wares or other articles or not.

Toll keepers may weigh carriages &c.

54. The keeper of any weighing machine or toll gate or any other person appointed by the Council or by their lessee may require every driver or person in charge of any vehicle which shall be about to pass over the bridge to be weighed at such crane or weighing machine as aforesaid and if any such driver or person in charge of such vehicle shall refuse to allow the same to be weighed or shall resist any gate keeper toll keeper or toll collector in weighing the same it shall be lawful for such gate keeper toll keeper or toll collector to stop or prevent the passage over the bridge of such vehicle and every such driver or person in charge.

Power to provide and charge for accommodation in connection with ferry and bridge.

55. In connection with the ferry and bridge undertaking the Council may purchase erect and provide waiting rooms shelters warehouses sheds and other buildings works and conveniences for the accommodation of passengers and for the storage and accommodation of animals and goods and for the loading and unloading of animals and goods and the Council may make and recover such reasonable charges as they think fit for the use thereof.

Powers to enter into composition for payment of tolls.

56. The Council may enter into a composition with any person with respect to the payment of any tolls authorised by this Act but so that no preference be in any case given to any person.

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Part VI.

Financial.

Power to borrow

57. The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts hereinafter mentioned (that is to say):—

(1) For the purchase of the ferry undertaking and for paying any sums payable by the Council to the trustees under this Act and for defraying the costs and expenses of the Council of and incident to such purchase or preliminary thereto and of and incident to the transfer of the undertaking to the Council (other than the costs of this Act) such sum as may be required:

(2) For the construction of the bridge and approaches by this Act authorised the sum of fourteen thousand pounds:

(3) For the payments to the East Preston Rural District Council and the Westhampnett Rural District Council provided by the sections of this Act of which the marginal notes are "For protection of East Preston Rural District Council" and "For protection of Westhampnett Rural District Council" the respective sums of one thousand two hundred and fifty pounds and three hundred and fifty pounds:

(4) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose:

(5) And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

Security for borrowed money.

58. In order to secure the repayment of the moneys borrowed under this Act and the payment of the interest thereon the Council may mortgage or charge the revenue of the ferry and bridge undertaking and the district fund and general district rate or either of those securities.

Power to borrow under Local Loans Act 1875.

59. The Council if they think fit 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 or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act and where any such loan is made repayable by means of a sinking fund the provisions of the section of this Act whereof the marginal note is "Regulations as to sinking fund" shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

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

60. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

61. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act.

Protection of lenders from inquiry.

62. A person lending money to the Council shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Periods for payment off of money borrowed.

63. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purposes (1) (2) and (3) hereinbefore mentioned forty-five years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (4) hereinbefore mentioned five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board such period not exceeding sixty years as they may think fit to sanction.

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Mode of payment off of money borrowed.

64. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund The first payment by instalments or to a sinking fund shall be made within twelve months from the date of borrowing the money in respect of which such payment is to be made.

Regulations as to sinking fund.

65. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum in this section referred to as "the prescribed rate" be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being annuities or rentcharges or securities transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 but exclusive in each case of securities of the Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year

such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

(B) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Return to Local Government Board as to repayment of debt.

66. The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the

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amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to reborrow.

67. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Council not to regard trusts.

68. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Application of borrowed moneys.

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

Expenses of execution of Act.

70. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Separate account of undertaking to be kept.

71. The Council shall keep a separate account of their receipts and expenditure for the ferry and bridge undertaking on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act.

Application of revenue.

72. The Council shall apply all moneys from time to time received by them in respect of the ferry and bridge undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

Firstly In payment of the working and establishment expenses and cost of maintenance of the ferry and bridge undertaking:

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the ferry and bridge undertaking:

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Thirdly In providing the requisite appropriations instalments or payments to sinking funds in respect of moneys borrowed by the Council for the purposes of the ferry and bridge undertaking:

Fourthly In repayment of any moneys paid by the Duke of Norfolk under the hereinbefore recited guarantee:

Fifthly In providing a reserve fund for the ferry and bridge undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per centum of the amount of the capital account of the undertaking for the time being which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from the ferry and bridge undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the ferry and bridge undertaking or for payment of the costs of renewing any part of the ferry and bridge undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the amount aforesaid and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on the ferry and bridge undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to the maximum amount hereinbefore prescribed.

As to deficiency in receipts.

73. Any deficiency in the revenues or receipts of the Council on account of the ferry and bridge undertaking shall be made good out of the district fund and the next general district rate

made after the deficiency is ascertained shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Proceeds of sale of surplus lands.

74. The Council shall apply any capital moneys received by them on the resale or exchange or by leasing of any lands under the powers of this Act in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Inquiries by Local Government Board.

75.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

For protection of Duke of Norfolk.

76. For the protection of the Duke of Norfolk the following provisions shall unless otherwise agreed between the Duke of Norfolk and the Council have effect (that is to say):—

(1) The Council shall reimburse the Duke of Norfolk his executors or administrators any money he or they may be called upon to pay under the hereinbefore recited guarantee out of any moneys received by them in respect of the bridge in any year after the expiration of five years from the date of the opening of the bridge for traffic beyond the amount required for the payment of the working and establishment expenses and cost of maintenance of the bridge for that year and the annual payments of principal and interest without having regard to any reserve fund:

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(2) If the Duke of Norfolk be called upon to pay any money as aforesaid then until such money shall have been repaid the Council shall furnish to the Duke of Norfolk as soon as may be after the expiration of the sixth year from the date of the opening of the bridge for public traffic and of each subsequent year a statement of accounts showing the receipts of the Council in respect of the bridge and the aforesaid expenses and cost and instalments of principal and interest for the respective year and shall at all reasonable times afford facilities to the Duke of Norfolk or his agent to inspect any books of account kept by the Council:

(3) Any moneys shown by such accounts to be payable to the Duke of Norfolk shall be paid within three months after the expiration of the year in which they are received:

(4) Nothing in this Act contained shall extend or be construed to extend to authorise or empower the Council or any person whomsoever to dig for take or carry away any gravel or sand from off the beach of Littlehampton without the consent of the Duke of Norfolk as or other the lord of the manor of Littlehampton for the time being:

(5) Notwithstanding anything in this Act or the Act of 1824 contained the Duke of Norfolk his heir apparent and his agent for the time being and any horses carriages or vehicles belonging to or used by any of them shall be entitled to use the ferry and bridge and approach roads without payment of any toll or charge:

(6) Nothing in this Act contained shall extend or be construed to extend or take away or lessen or alter the right title and interest of the Duke of Norfolk of or to the nomination and appointment of a water bailiff of the River Arun (commonly called Arundel river) or the ancient and usual right power and authority of such water bailiff or any benefits privileges and advantages to the office of the said water bailiff belonging or appertaining or any other right title interest or privilege of the Duke of Norfolk in anywise

howsoever And nothing in this Act contained shall extend or be construed to defeat prejudice or affect the right of the Duke of Norfolk to the mines minerals or quarries lying or being within or under any lands or grounds to be taken or used for the purposes of this Act:

(7) Provided always that nothing in this Act contained shall be held to be a recognition by His Majesty in right of His Crown of any claim by the Duke of Norfolk as lord of the manor of Littlehampton or otherwise to the foreshore below high water mark within or adjacent to the manor of Littlehampton but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

Part VII.

Miscellaneous.

Application of Act of 1824 to Council.

77. On and after the date of transfer the sections of the Act of 1824 and the portions of sections 56 66 and 68 of that Act respectively set out in the schedule to this Act shall extend and apply to the Council and to the ferry undertaking when transferred to the Council and so far as applicable to the bridge and shall be read and have effect as if the Council were mentioned therein instead of the trustees From and after the date of transfer sections 1 to 8 11 to 13 15 18 to 49 52 60 to 65 the portions of sections 56 66 and 68 not set out in the schedule to this Act and sections 71 to 79 of the Act of 1824 are hereby repealed.

Repeal of sections 255 and 256 of Act of 1844.

78. Upon the date of transfer section 255 (Protection to trustees of Littlehampton Ferry) and section 256 (Tolls of ferry to be let by public tender) of the Act of 1844 shall be and are hereby repealed.

Recovery of penalties.

79. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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Saving rights of Crown.

80. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give.

Provision against *danger to* navigation.

81. In case of injury to or destruction or decay of the bridge or works or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Council shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Survey of works by Board of Trade.

82. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Council on in over through or across tidal lands or tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

83. If a work constructed by the Council on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily.

Costs of Act.

84. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing of this Act (including the costs charges and expenses preliminary

to and of and connected with the compliance with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the authority of this Act.

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The SCHEDULE referred to in the foregoing Act.

Sections of the Act 5 George IV. Cap. xciv. intituled "An "Act for establishing a Ferry over the River Arun at "Littlehampton in the County of Sussex, and making "Roads to communicate therewith" referred to in the Section of the foregoing Act of which the Marginal Note is "Application of Act of 1824 to Council."

Trustees may appoint Officers.

IX. And be it further enacted, That the said Trustees, by Writing under their Hands, shall and may appoint a Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and Receiver or Receivers of the Tolls hereby granted, and such other Officers as they shall think necessary for the Purposes of this Act; and shall and may from Time to Time remove any such Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers, as they shall see Occasion, and appoint new ones in case of Death, Resignation, or Removal; and shall and may, out of the Money arising by virtue of this Act, make such Allowance to the said Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers, and to such other Persons as shall be employed in the Execution of this Act, as the said Trustees shall think reasonable; and every such Officer shall, as often as required by the said Trustees, render and give to them, or to such Person as they shall appoint, a true and perfect Account in Writing under his Hand, with proper Vouchers, of all Monies which he shall to such Time have received, paid, and disbursed by virtue of this Act, or by reason of his Office; and in case any Money so received shall remain in his Hands, the same shall be paid to the said Trustees, or to such Person as they shall by any Writing under their Hands authorize to receive the same, to be laid out in the Execution of this Act, and not otherwise; and in case any such Officer shall not give in and make such Account and Payment as aforesaid, or shall for the space of Fourteen Days after being thereunto required by the said Trustees, refuse or neglect to render and give up to the said Trustees, or to such Person as they shall direct, all Books and other Things in their Hands, Custody, or Power relating to the Execution of this Act, that then any Justice of the Peace for the County where such Officer shall dwell shall and may make Enquiry concerning such Default in a summary Way, as well by the Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to

administer without Fee or Reward); and if such Officer shall be convicted of any such Offence, such Justice shall, upon such Conviction commit the Party to the Common Gaol of the County where such Officer shall reside, there to remain, without Bail or Mainprise, until he shall have made a perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and have paid such Composition Money (which Composition the said Trustees are hereby authorized and empowered to make and receive), and shall also have rendered and given up all such Books and other Things as aforesaid, or given satisfaction in respect thereof to the said Trustees; but no Person so committed for want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months: Provided always, that no Person shall be appointed, or capable of holding any or either of the said Offices, or any Place of Profit under this Act, who shall sell any Wine, Cider, Beer, Ale, or Spirituous Liquors by Retail.

Security to be taken from the Treasurer and other Officers.

X. Provided also, That the said Trustees shall, and they are hereby required to take such Security from the Treasurer or Treasurers, and other Officers, to be appointed for the Purposes of this Act, for the due Execution of their respective offices, as they shall think proper.

Trustees may remove Collectors, and appoint temporary ones.

XIV. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be a Collector or Receiver of the said Tolls until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner in all Respects, as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver, who shall die or be discharged, or any other Person or Persons who may have the Possession of any Ferry House, or Toll House, or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Seven Days next after Demand thereof made, by Notice in Writing signed by any Three or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, for that Purpose, given to such Collector or Receiver, or other Person or Persons, or left at any such Ferry House, Toll House, or Premises; then and in any of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said

Collectors refusing to deliver up Toll Houses, &c.

Justices empowered to grant

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Warrants, and Constable to enter and remove such Collectors, &c.

County of Sussex, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said County, with such Assistance as may be necessary, to enter such Ferry House, Toll House, or Premises in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and put the said Trustees, or such new-appointed Collector or Receiver as aforesaid, into the Possession thereof.

Power given to the Trustees for establishing a Ferry.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to establish, keep, and maintain a Ferry, consisting of One or more Boat or Boats, Barge or Barges, Float or Floats, Raft or Rafts, or such other Vessel or Vessels as shall be sufficient and proper for the Passage and Conveyance of Carriages, Horses, Cattle, Foot Passsengers, and portable Articles over and across the said River Arun at Littlehampton aforesaid, at or near the present Ferry for Foot Passengers, and to erect and build Ferry Houses and proper Offices on each Side of the said River for the Habitation and Use of the Ferrymen having the Care and Management of the said Ferry, so to be established as aforesaid, and for the Convenience of Persons using the same; and to make and keep in Repair proper Causeways at the Landing Places of the said Ferry so to be established as aforesaid on each Side of the said River, and from Time to Time to do or cause to be done, all other Things necessary and convenient for establishing, maintaining, regulating, and managing the said Common Ferry, and making the same as useful and advantageous as may be; and all Persons with Carriages, Horses, Cattle, portable Articles, and all Foot Passengers shall have free liberty to pass over the said Ferry so to be established as aforesaid (upon Payment of the respective Tolls herein-after granted) without any Hindrance or Interruption of or by any Person or Persons whomsoever; and when and as soon as the said Ferry to be established by virtue of this Act shall be made good for Carriages, Horses, Cattle, and Foot Passengers, and portable Articles, the present Ferry over the said River Arun, for Foot Passengers only, shall be from thenceforth vested in the said Trustees.

Navigation of the River Arun not to be injured.

XVII. And be it further enacted, That it shall not be lawful for the said Trustees in establishing, keeping, and maintaining the said Ferry, or in making and keeping in Repair the Causeways at the Landing Places of the same, or otherwise, in the Execution of this Act, to do any Act, Matter, or Thing whereby the Navigation of the said River Arun, or the flowing or reflowing of the Waters therein, may be impeded or obstructed.

Tolls to be taken at the Ferry.

L. And in order to enable the said Trustees to carry this Act into Execution, be it further enacted, That as soon as the said Ferry shall be made fit for the passage of Carriages, Horses, Cattle, Foot Passengers, and portable Articles, it shall and may be lawful for the said Trustees, or the Collector to be appointed by them as aforesaid, from Time to Time, and at all Times hereafter, to demand, collect, and receive, before any Carriages, Horses, Cattle, Foot Passengers, or portable Articles, shall be

permitted to pass over the said Ferry, such Tolls as the said Trustees shall from Time to Time think proper, not exceeding the respective Sums following; (that is to say),

For every Coach, Chariot, Chaise, Hearse, or other such like Carriage, with Four Wheels, One Shilling; and for every Horse or other Beast drawing the same, Sixpence:

For every Chaise, Chair, or other such like Carriage, with Two or Three Wheels, Sixpence; and for every Horse or other Beast drawing the same, Sixpence:

For every Waggon, Wain, or Dray, or other such like Carriage, with Four Wheels, One Shilling; and for every Horse or other Beast drawing the same, Sixpence:

For every Cart, Dray, or other such like Carriage, with Two or Three Wheels, Nine-pence; and for every Horse or other Beast drawing the same, Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, Threepence:

For every Score of Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence; and so in proportion for any less Number:

For every Score of Calves, Hogs, Sheep, or Lambs, Ten-pence; and so in proportion for any less Number:

For every Foot Passenger, One Penny:

And for every Hundred Weight of Goods, Wares, Merchandize, Matters, or Things, not being in any Carriage drawn by any Horse, or other Beast, or upon any Horse or other Beast, Sixpence; and so in proportion for any less Weight:

All which Tolls shall be paid every Time of passing or repassing over the said Ferry.

To prevent Evasion of Tolls.

LI. And be it further enacted, That all Persons passing over the said Ferry shall be liable to the Payment of the Tolls hereby granted, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, over and above and besides the Tolls payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mule, or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other such Carriage may be *bonâ fide* employed when so passing; and excepting also One Rider upon every Horse, Mule, or Ass not drawing.

Table of Tolls to be set up.

LIII. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on the Ferry Houses and Toll House to be erected in pursuance of this Act, and the Name of each Ferry House and of the said Toll Gate shall be placed over the said Table of Tolls.

Number of Tolls limited.

LIV. Provided always, and be it enacted, That no more than one Toll shall be taken or demanded for or in respect of the same Carriages, Horses, or Cattle passing on the same Day over the said Ferry, and through

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the Toll Gate to be erected by virtue of this Act; but that all Carriages, Horses, and Cattle, for and in respect of which Toll shall once have been paid at the said Ferry, and a Ticket being produced, denoting the Payment thereof, (which Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Toll), shall pass Once on the same Day with the same Carriages, Horses, and Cattle through the said Toll Gate without paying any other Toll; and that all Carriages, Horses, and Cattle, for or in respect of which Toll shall once have been paid at the said Toll Gate, and a Ticket being produced, denoting the Payment thereof, (which Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Toll), shall pass Once on the same Day with the same Carriages, Horses, and Cattle, over the said Ferry, without paying any other Toll.

Carriages and Cattle may pass and return on the same Day for one Toll.

LV. Provided always, and be it further enacted, That every Coach, Chariot, Hearse, Chaise, Chair, Waggon, Wain, Cart, and other Carriage whatsoever, and the Horses and other Beasts drawing such Carriages respectively; and also all and every Horse, Mule, and Ass, laden or unladen, and not drawing; and also all Oxen, Cows, and Neat Cattle, Calves, Hogs, Sheep, and Lambs, for which the Tolls hereby granted shall be paid, shall be allowed to pass through the Toll Gate so to be erected on the said Road as aforesaid, and also to return, without being chargeable with the Payment of any Toll for returning, Once on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), the respective Persons attending such Carriages, Horses, or other Beasts or Cattle as aforesaid, producing Tickets denoting such respective Payments; all which Tickets the Collector of the Tolls is hereby required to give gratis on Receipt of the Toll.

To enforce Payment of Tolls.

LVI. And be it further enacted, That it shall be lawful for the Collector or Collectors of the said Tolls, or any of them, to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls, or any of them, or of the Horse, Beast, Cattle, Carriage, or other Thing for or in respect whereof the said Tolls ought to be paid.

For preventing Toll Collectors from taking any undue Tolls.

LVII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Ferry House or Toll House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Ferry House or Toll House at which such Collector shall be stationed, the Board herein-before directed to be provided by the said Trustees, containing the usual Name of the Ferry and of the Toll Gate where the Board shall be fixed, and also the List of the Tolls payable

at such Ferry and Gate, and of the Ferry or Gate cleared by the Payment of Toll at the Ferry or Gate where such Collector shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Board respectively as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorised to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Boards respectively, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall refuse to give a Ticket denoting the Payment of Toll, or shall in Answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing over the said Ferry or through the said Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, to be recovered and applied as herein-after mentioned.

For settling Disputes concerning Tolls.

LVIII. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding, or taking, or the Payment of Toll, or about the Amount of the Toll due, or the Charges of making, keeping, or selling any Distress for recovery of the said Tolls, such Dispute shall be settled and determined by some Justice of the Peace for the said County of Sussex, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and other Matter in Dispute between the Parties, and may also award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith by Distress and Sale of the Goods and Chattels of the Person or Persons awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar Keepers not to be deemed incompetent Witnesses.

LIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute,

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Suit, or Litigation, by reason of his, her or their being so appointed or interested under such Appointment, or being paid to collect the Tolls, or acting, or being paid to act, under the Authority of the said Trustees.

Penalty on evading Tolls.

LXVI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family, Servant, or Servants), or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid, and the same not being a public Highway or Road to or from some Parish Church, Mill, Market Town, or Village, shall knowingly or wilfully permit or suffer any Person or Persons not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order, or with Intent thereby to evade the Payment of the said Tolls or any of them, or any Part thereof; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls) any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them; or shall forcibly or fraudulently pass over the said Ferry, or through the said Toll Gate to be erected by virtue of this Act, with any Horse, Carriage, Cattle, or Beast without Payment of Toll; all and every such Person or Persons so offending in any of the Cases aforesaid, shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Power for Trustees to let the Tolls.

LXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, at a Public Meeting, to let to farm all or any of the Tolls by this Act granted, in the Manner herein-after mentioned; that is to say, the said Trustees shall cause Notice to be given of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing such Notice upon the Church Door of the said Parish of Littlehampton, and upon the Toll Gate to be erected by virtue of this Act, and also by Insertion thereof in some public Newspaper circulated in the said County of Sussex, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder on his producing sufficient Sureties for the Payment of the Money monthly or otherwise (as in such Notice shall be specified), and that they will be put up at the Sum which they were

let for or produced in the preceding Year, clear of the salary of the Collector; and to prevent Fraud or any undue Preference in the Letting thereof, the said Trustees are hereby required to provide a Glass with as much Sand in it as will run from one End of it to the other in one Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned; and as soon as the Sand is run out, it shall be turned again, and so for Three Times, unless some other Bidding intervenes; and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof and under such Conditions and in such Manner as the said Trustees shall think fit; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and if no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let; or the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter, or Collector or Collectors of such Tolls, shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this Act, he or they shall for every such Offence forfeit any Sum not exceeding Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the said Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them authorized: Provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any one Time.

Power to lessen the Tolls.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper; and from Time to Time afterwards to advance any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act.

No other Ferry to be used within a certain Distance.

LXIX. And be it further enacted, That from and after the said Ferry to be established by virtue of this Act shall be made fit for Carriages, Horses, Cattle, Foot Passengers, and portable Articles, no other Ferry shall

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be set up or used by any Person or Persons across the said River Arun within the ancient Limits of the present Ferry at Littlehampton aforesaid; and if any Person or Persons (except the said Trustees or other Person or Persons acting under their Authority) shall use any Boat, Barge, Float, Raft, or other Vessel, in ferrying or conveying any Carriage, Horse, Cattle, Foot Passengers, or portable Articles or other Things for Hire across the said River Arun within the Limit aforesaid, not being the Owner or Owners, Occupier or Occupiers of the Land on both Sides of the said River where such Boat, Barge, Float, Raft, or other Vessel shall be used, every Person, or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons may use Boats to go to Vessels.

LXX. Provided always, and be it further enacted, That it shall and may be lawful to and for any Person or Persons whomsoever, at all Times, to use any Boat, Barge, or other Vessel, in or upon or across the said River Arun, for the Purpose of aiding or assisting any Boat, Barge, Ship, or Vessel, in navigating the said River, and for the Purpose of going to or from any such Boat, Barge, Ship, or Vessel, whether the same Boat, Barge, Ship, or Vessel be lying in or near the said River, or going in or upon the same; and also for the Purpose of going to or from any or either of the Piers, Piles, Posts, Buoys, Ships, Barges, Boats, Groyns, Walls, or other Works already erected, or hereafter to be erected, or contemplated to be erected; and also that it shall and may be lawful to and for the said Commissioners of the said Port of Arundel, and their Officers and Servants, at all Times to go in, upon, and across the said River for all Purposes whatever, except to carry for Hire.

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