

Times Past

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A new beginning

First of all, our heartfelt thanks to all who have stuck with us during Covid-19, even though we have been unable to open or hold meetings.

We had hoped to be able to reopen this year, but with the pandemic this has not been possible. We have carried out risk assessments which showed that the number of, and required duties for, our stewards would not be justified by the expected number of visitors; an alternative could have been pre-booked timed visitor slots. But because the building is shared by other user groups, this would add to the complexity. We therefore followed the example of many other museums and decided, reluctantly, to remain closed.

The pandemic highlighted another problem, that we had been aware of but had largely disregarded. That is the number of actual visitors to the museum cannot justify the expenditure on rent and overheads to keep going. We had survived on donations and income from talks etc, but were still in danger of having to dip into the reserves. Indeed, had it not been for a generous bequest our reserves would by now be significantly depleted. In other words, the museum, as it was, is unsustainable - particularly under present conditions. As charity trustees, the committee have an obligation to run things in as economically viable a way as possible.

We wondered what the museum should offer? A 'members' club' with talks about the past? A resource for those interested in local history? Or a community asset? Of course, there is no reason why those cannot exist side by side, but this did not seem to be happening. Personality differences and

lack of communication seemed to be hindering any attempts at moving forward.

We looked at ways recommended by the Government and Charity Commission to save costs; two options could be relevant - first to amalgamate with similar charities, which we didn't feel would be appropriate for a local museum, and secondly to make use of technology to continue with lower overheads. The latter seemed possible, particularly as the interest in local history was evident through social media, but this had not translated into museum visitors. Consultation with those involved in organising and making use of the museum's resources proved this idea to be a non-starter.

One good thing that came out of the consultation was the prospect of a new committee. It has to be said that some trustees have been in place far longer than they would have wished, had taken the jobs fairly reluctantly in the first place, and at least two (out of the present six) want to stand down due to other commitments.

We therefore look forward to welcoming a new committee, with fresh ideas and impetus, at the next AGM. Members will already have received nomination forms, or the form can be found on the museum website. Far from walking away, the old committee will remain in the background ready with help and advice when needed.

We all anticipate a new start and a vibrant museum once it can reopen.

This is a necessarily smaller than normal issue of *Times Past*. We are sure you will understand, and hope you can stay with us for our new future.

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**We send all readers and friends
our good wishes for the Festive
Season, and look forward to a
new, healthier, and more
vibrant, 2021.**

The Need for Legislation Instead of Planning Permission

The third instalment of **Hilary Langley's** investigations into the Mant Papers looks again at the little-known Baybridge Canal, and how Acts of Parliament had to be used to create, and to close, such undertakings

My first article showed that the Georgians seemed to have nothing like Planning Permission. Instead, in order to build and abandon a canal, they had to obtain an Act of Parliament. This was no easy task because, as pointed out in my second article on the death of a little canal, the Railway Group wishing to build a Railway from Brighton to London couldn't manage to get their Act through Parliament, while a rival company managed it.

I should explain that draft legislation travelling through Parliament is called a Bill but, once it has been passed by both Houses of Parliament and given Royal Assent, it becomes an Act.

Nearly fifty years ago, I was a civil servant responsible for taking part of a Bill through Parliament. To do this, I first checked previous Acts and the papers leading up to them. This taught me how to instruct the Parliamentary Counsel drafting my part of the Bill as well as the Departmental Solicitors who, after the Act had been passed, drafted the more detailed regulations. Mant did the same because his papers include an Act for establishing a Ferry over the River Arun at Littlehampton. Presumably he used this, and its underlying papers, in writing his instructions to the Counsel drafting the first Baybridge Canal Bill. Similarly, his expenses following the death of the Canal show that, before instructing the Counsel drafting the Bill for its Abandonment, he attended a Conference on the procedures used to obtain the Act permitting the sale and winding up of the Wey and Arun Canal.

When I was involved with legislation, our aim was always to leave as much detail as possible to the regulations made under the Act because they are much easier to amend. In addition, in order to avoid future problems, we tried to give the organisation responsible for implementing the legislation as much discretion as possible to adapt the detailed requirements.

Unfortunately for the Georgians, all the detail had to go into the Bill. They don't seem to have begun using regulations and it is clear that absolutely no discretion could be left to those administering an Act. I have never before read an Act from those times and was staggered by the amount of detail and lack of

discretion in the two Acts concerning the Baybridge Canal. Indeed, in my previous two articles I pointed out that the Company's financial problems arose because the Act restricted them to raising just £6,000 in shares. This meant that they could not spread the burden by involving others as Shareholders.

In addition, the only permissible way of raising a further £3,000 under the Act was to mortgage future Tolls collected from those using the Canal. This would have meant that someone outside their control collected the Tolls and the Shareholders clearly didn't want to risk this. As they had no authority to obtain loans other than through such a mortgage, the only alternative was for the main Shareholders to loan money to the Company. Under the Legal Agreements drawn up by Mant, those Shareholders who made loans shared the responsibility for repaying them. This arrangement caused an enormous financial burden for Sir Charles Burrell who, following his brother's death, took over his shares (and responsibility for repaying the loans) and, at Rev Woodward's request, bought his shares as well, indemnifying him from further responsibility.

The detail in the first Baybridge Canal Act is amazing. It required the course of the canal to be shown in the Office of the Sussex Clerk of the Peace and provided that, whatever the difficulties encountered, the Company mustn't deviate more



A painting of barges on the Adur at Bines Bridge (Michael Codd)

than 100 yards from it. Where there was any dispute about the price of the land required or the compensation paid, the Act required the Sheriff or Coroner to summon a Jury of 12 to decide it. The Act even covered to whom the sale price or compensation should be paid if the owner was a child or lunatic and specified who should pay the costs: the complainant if the Judgment is for the same or less than was offered, and otherwise the Company

Quite sensibly, the Act required that the Treasurer of the Company must provide security. This may be why both James Lancaster and Mant each purchased one 50 share. The incredible detail in the Act also included the Tolls that could be levied, with no power to raise them although they could be reduced. Thus, twopence halfpenny per mile could be charged for every ton of gravel, chalk and dung and five pence per ton for other goods. It even specified how fractions of a ton or mile should be calculated!

Similarly, the charges for loading and unloading at the wharf (and storage there) were specified, as well as the fines payable for giving the wrong tonnage (which could be checked). In order to help boatowners, the Company was required to set up stones every quarter mile along the canal and to paint a table of tolls and charges onto boards displayed at Toll houses and the Wharf, with the Collector's full name painted at least two inches high! The Collector's name was required as he could be fined up to £10 for not providing it, or giving a false name, as well as for obstructing passengers or using scurrilous or abusive language!

The Act also specified fines for loading or unloading except at the wharfs; for boats using a punting pole whose ends were less than four inches; for obstructing the canal; for carrying timber which lay over the side of a boat; for throwing ballast, gravel, stone or rubbish into the canal; for wantonly or unnecessarily opening any lock, valve or sluice; for wilfully drawing off water from the canal and for leaving the lock gates or sluices open after passing through. Every conceivable offence was covered!

I was staggered by the penalty for those breaking or destroying any bridge, bank, lock or building: They should expect, on conviction, to be transported for up to 14 years as felons! Any swimmers should avoid the canal or either pay a fine up to forty shillings or risk being committed to gaol or the house of correction! Similarly, anyone keen on fishing or hunting wildlife should avoid it or risk a five pound fine both for themselves and also for the boat owner who unwisely took them on the canal!



Remains of the disused lower lock on the Baybridge Canal

Sensibly enough, the Act required the Canal Company to compensate landowners whose lands were damaged by floods caused by the canal. As my article on the death of the little canal shows, when the Bines Bridge lock fell, causing flooding, the Company was required to give compensation as well as rebuilding the Lock.

The Baybridge Abandonment Act was nowhere near as detailed because it was only dealing with the death of the canal and the sale of its lands etc. It did however specify the date (1st September 1875) when the canal would close and all rights of way be extinguished. In addition, it stated that landowners with land abutting or adjoining the canal should have the right of first refusal in buying the land: As this was the most sensible course for the company it is arguable that it did not need to be included. Similarly, it required the Company to compensate the Landowners for taking on the Company's responsibility for maintaining the bridges, fences etc. The biggest insult to the Canal however was the requirement that, if arbitration was necessary, it should be conducted in accordance with the Railway Clauses Consolidation Act 1845! It was bad enough that the railways dealt the death knell to the canal without referring to their legislation for essential arbitration!

I know that Acts of Parliament can be very hard to understand nowadays and that the detailed requirements in regulations and Codes of Practice can seem burdensome. When I read the Baybridge Canal Acts, however, my heart went out to anyone offending against them! Ignorance of the law may be no excuse but in those days most of the offenders probably couldn't even read and, if they could, the sheer size of the Acts would have put them off!

Emigration in the 1880s (part 2)

Alan Spencer and Hermin Daley continue their extracts from the museum archives regarding emigration to Australia from Storrington and Sullington

In this part we will concentrate on the emigrants to Australia. As was stated in the first section, bad economic conditions in the UK caused this emigration.

The Swan river settlement originated by the exploration of this area by Captain James Sterling in 1827 and on his return to England he recommended this as an area of interest for British settlement.

So, in May 1829, the government sent out Captain Freemantle with a frigate called 'HMS Challenger' to claim this land for Britain. On his recommendation the government sponsored certain individuals to gather prospective settlers, (mainly unemployed poor people), for emigration. In June 1829 Captain James Sterling arrived with a ship full of emigrants from England and landed them on the beaches around the mouth of the Swan river, to start a settlement.

In October 1829, Peter Latour, an army veteran and a land investor, who had previously been to Van Diemen's Land (Tasmania) with the Army, took advantage of this government sponsorship scheme to ship out 44 labourers to work on his new estate in Western Australia, 23 of these came from Sullington. The ship was called the Lotus. His was one of several ships that arrived with prospective settlers, around this time. Peter Latour himself never visited the settlement and a couple of years later he went bankrupt.

The list of passengers on the Lotus from the Sullington area were as follows.

Richard, James and Edward Gallop; William, Louis, John, Jane, George and Maria Woods; John, Elizabeth, William, Anne and Charles Barnard; Jane, Reuben and Levi Beecham; Richard Shoesmith, John Mears, William Hills; George Charman, William Grover; and Charles Hewshaw.

Peter Latour had access to about 100,000 acres of land about 120 miles south of Perth, at a place called Leschenault. So, he was hoping to work this land and make a small fortune but the colony failed, due to bad management. Most of the colonists were freed from their indenture with Latour, which meant that they then had to fend for themselves.

One of the emigrants to help first set up a colony in the swan river estuary of western Australia, was Richard Gallop. He went out on the *Lotus*, together with his two brothers Edward and James, Richard's passage was paid for and he was indentured to Peter Latour, as a labourer for seven years. He was to be paid an annual salary of £12 and food was



provided. They left behind their father Thomas, brother Thomas junior and their sister Sarah. They lived in poverty. They wrote to Richard in 1832 that the living conditions in England were getting worse. But when the settlement failed in 1830, he was left to fend for himself.

In 1838, Richard and his brother James went into a farm partnership with a Mr Henry Giles Sutherland. This turned out to be a good move, because the farm prospered. The Gallops' father, in England, died in the workhouse in 1844, age 76 and Thomas junior died age 27. So, Richard paid for his sister and their other brother, Henry, to come to Australia. But it is not known whether they actually came.

The Gallops became quite successful in Perth, Richard developed a market garden and the younger brother Edward was granted some land which he sold to the government for them to build a railway station. The family was recognised as some of the most influential people in Western Australia in 1890. There is a road in Perth named after them, Gallops Road. We have a copy, from the Western Australian Newspaper of 1898, of Richard Gallop's obituary in the museum.

As to the other original settlers, we have letters from the Woods and the Barnard families in the museum who seem to have survived and were thriving, but as to other families, we have no information about them. Other people came out to the settlement in later years, possibly from the same area as we have a letter from a lady called S. Smithers who mentions other friends.

So it is nice to know that the immigrants from this area, helped to establish, firstly a viable colony in Western Australia and then to develop the town of Perth, which has now become the thriving capital city of Western Australia.

The following is an extract from the obituary for Richard Gallop, published in the local press in 1898.

"On Tuesday last there died, perhaps the oldest colonist of Western Australia, at the ripe old age of 88 years and nine months. Mr Richard Gallop, senior. Was known to all old residents and particularly to those of the earliest years in the history of the colony. The late Mr Gallop was one of those who first set foot on Western Australian soil and who then help to convert the settlement, which then formed into one of the leading colonies of the Australian Group."

More information can be obtained from the curators at Storrington and District Museum.