



Inclosure Act 1845

1845 CHAPTER 118

LXIV Trial of Appeal.

And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Road or Way shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Road or Way is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Valuer, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under this Act; but if the said Jury shall return a Verdict that such Road or Way is not unnecessary, and that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Road or Way shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the said Valuer out of the Monies to be raised for the Expenses of the Inclosure : Provided always, that in every Case in which any such Appeal as aforesaid shall be made by the Surveyor of the Highways of any Parish or Place, under the Direction of the Inhabitants of such Parish in Vestry assembled, or, where there shall be no Vestry Meeting in such Place, under the Direction of the Inhabitants contributing to Highway Rates assembled at any Meeting of which Fourteen Days Notice shall have been given by Advertisement and on the Church Door, then, although such Appeal shall be dismissed, the Costs of prosecuting such Appeal, and also such Costs as shall be awarded to be paid by the Appellant to the Valuer, shall be paid out of the Highway Rate of such Parish or Place.