

To the Sheriff of y^e County of Fairfield his Deputy or to either
of y^e Constables of Fairfield in said County greeting.

In his Majesty's Name you are hereby Required to Summon Samuel
Odd of Fairfield aforesaid to appear before the Adjourned County Court
to be held in Fairfield aforesaid for said County on the first Tuesday of
~~January~~ ^{April} Next then and there to Answer unto John Boardly John Hall
Richard Stubble and Robert Cadman all of Fairfield aforesaid as they
are a Committee of y^e Town of Fairfield aforesaid appointed to remove
Encroachments made on highways in said Town in a place wh^{ere}
in the said Committee Complain against y^e D^{ist} and say to
in and by one certain Name said of this his Majesty's Colony
Connecticut intituled an Act to prevent Encroachment on High
ways or ^{or} on common and undivided Land made and passed in the
tenth year of y^e Reign of his late Majesty King George. Among
other things it stands enacted that if any person hath within that
of fifteen years taken or shall take any part of any highway into
his Field or inclosure or erect any fence thereon in such manner that the
said Highway is straightned and made narrower than before in any town
the Selectmen of such Town where such offense shall be committed or a
Committee appointed by such Town for y^e purpose (which Committees
such Town are by said Act enabled to choose) are by said Act directed
impowred to give Notice or Warning to y^e person or persons so offending if
he or they shall not cause the said fence to be removed in such Comber
time as they the said Committee giving Notice or aforesaid shall
not exceeding the space of one month after such Notice or wa
given then the said persons giving such warning as aforesaid shall cause
such fence to be pulled down. and that if such person or persons
warned as aforesaid shall not cause such fence to be removed within
the time so to be set and limited as aforesaid it shall and may be
Lawfull for y^e said Committee (who are by said Act impowred) to cause
the said fence to be pulled down and removed and if the person so
offending shall presume to commit y^e like offense in the same place
he shall incur y^e penalty of ten pounds to be recovered by bill plea
or information by such Committee who gave y^e said warning
caused such fence to be pulled down, in the County Court of y^e sd
where y^e said offense is committed ^{in which trials no appeal shall be allowed} one half of which penalty
be to y^e proffutors together with y^e costs of prosecution and the other
half of said Penalty shall be to y^e County Treasury of said County
and that in and by one other Statute of this Colony made and
passed in the twelfth year of his late Majesty King George. intit
tuled an Act in Addition to and Explication of an Act intituled
an Act to prevent Encroachments on highways or upon com
mon and undivided Land among other things it stands enacted
that every such person shall be deemed guilty of such offense un
less he can satisfy y^e Court that hath Cognizance of such offense
that he did it not himself nor by his order nor consent cause or pro
cure said offense to be committed & that in the trial of such case
no Reversid shall be allowed. as by the said Statutes more fully
may appear whereupon he sh^{all} in fact say that the D^{ist}.

within fifteen years last past hath erected ~~and~~ a fence upon a
Britain highway in Fairfeld aforesaid which leads down to Hall
Neck so called which highway lies between y^e D^{ts} house and
and a Swamps on the west side thereof. which said fence was so
erected y^e the said highway was thereby stopped up and the passage
therein obstructed and the Pl^{ts}. on ~~the sixth~~ ^{on eight the 20th of may} ~~of may~~ ^{last} warned
said Samuel Odell to remove said fence standing on said highway
according to said act ^{as mentioned}
within one month yet y^e D^{ts} did not remove y^e same and
thereupon the Pl^{ts}. caused the same to be pulled down and remo-
ved on the sixth Day of June last past

yet y^e D^{ts} not regarding the ~~penalty~~ ^{guilty} in said act contained ~~that~~
since committed the like offence by erecting a fence in the same
place contrary to y^e form and effect of y^e Statute aforesd. where-
by y^e D^{ts} hath incurred the penalty of ten pounds old tenor one
half to y^e Pl^{ts}. and the other half to y^e County Treasury of said County
and thereupon the Pl^{ts}. bring this suit and demand the same
one half for themselves and y^e other half for y^e Treasury aforesd. with
costs. hereof fail not and make due Return hereof with your
Doings hereon. Dated in Rowalk the 19th Day of ^{the} December
Dom. 1747/8

Tho: Fitch Esq^r