ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. LXXIX.

An Act requiring and authorizing *Charles Gilbert* Eſquire, Treaſurer of the Eaſtern Diviſion, and the Reverend *Francis Tutté*, the legal Repreſentative of *Randolph Tutté* deceaſed, late Treaſurer of the Weſtern Diviſion of the County of *Suſſex*, to pay certain Sums of Money received by them the ſaid Treaſurers, or either of them, on Account of the not raiſing the Militia of the ſaid County, into the publick Stocks of the ſaid Diviſions, to be applied as therein is directed; and for other Purpoſes therein mentioned. [11th *June* 1793.]

Preamble. Militia Acts of 7 and 9 *Geo.* III, recited.



WHEREAS under and by virtue of Two several Acts of Parliament, passed in the Seventh and Ninth Years of the Reign of his present Majesty, respecting the Militia of this Kingdom, the several Sums of Eight hundred and eighty-six Pounds Twelve Shillings and Two-pence Farthing, and Four hundred and forty Pounds Eighteen Shillings and Eleven-pence Halfpenny, making together the Sum of One thousand three hundred and twenty-seven Pounds Eleven Shillings and One Penny Three Farthings, were assessed, collected, and raised upon and within the Eastern Division of the County of Sussex, to and for the Purposes in the said several Acts mentioned, and in such Manner and by such Means as the County Rates had been usually or might be assessed, collected, and raised within the said Division of the said County; and were, in pursuance of the said several Acts, paid to Charles Gilbert Esquire, the then Treasurer of the said Eastern Division of the said County, and now remain in his Hands as a separate Fund unapplied: And whereas also under and by virtue of the said several Acts, or One of them, the Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing was assessed, collected, and raised upon and within the Western Division of the said County, in like Manner and for the like Purposes; and in pursuance of the said several Acts, was paid to Randolph Tutté Gentleman, since deceased, the then Treasurer of the said Western Division, and after his Death came into the Hands of the Reverend Francis Tutté Clerk, his lawful Representative; and the Whole, or some considerable Part thereof, remains in his Hands unadministered as a separate Fund unapplied: And whereas the Stock of the said County commonly called The County Stock, is heavily charged by several Acts of Parliament; and it would tend to the Ease and Relief of the Inhabitants of the said respective Divisions, if the said several Sums of Money now in the Hands of the said Charles Gilbert and Francis Tutté

Clerk, as aforesaid, were respectively made a Part of the general Stock of each Division respectively (after paying and satisfying the Charges of soliciting and passing this Act), to be disposed of and applied in the same Manner, and to the same Uses and Purposes, and by the same Authorities, as the County Stock of each Division is or may be liable to: Which cannot be effected without the Aid of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects the Justices of the Peace acting in and for the respective Divisions aforesaid, and other the Inhabitants of the said County of Sussex, do most humbly beseech 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, That the said Charles Gilbert, his Executors or Administrators, shall, and he and they is and are hereby respectively required to pay, at the next General Quarter Sessions of the Peace that shall be held for the said County of Sussex, in the said Eastern Division thereof, after Midsummer Day One thousand seven hundred and ninety-three, the said Sum of One thousand three hundred and twenty-seven Pounds Eleven Shillings and One Penny Three Farthings, so by him received, and now remaining in his Hands as aforesaid, into the publick Stock or Fund, commonly called The County Stock of the said Eastern Division.

Mr. *Gilbert* to pay the Money so received by him at next *Midsummer* Sessions,

into the publick Stock of the Eastern Division.

II. And be it further enacted by the Authority aforesaid, That all the Goods and Chattels which were of the said Randolph Tutté at the Time of his Death, and which ever came into the Hands of the said Francis Tutté Clerk, and remained therein unadministered on the Seventeenth Day of April One thousand seven hundred and ninety-three, or which hath or shall thereafter come into his Hands to be administered, shall be and are hereby declared to be liable to the Payment of the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing so received by the said Randolph

R. Tutté's Goods, *&c.* unadministered, come to the Hands of *Francis Tutté* Clerk,

to be liable to said 882*l.* 2*s.* 9*d.* 1*q.*

dolph Tutté as aforesaid; and that the said Francis Tutté Clerk, his Executors or Administrators, or the Administrators of the Goods and Chattels of the said Randolph Tutté unadministered, shall, and he and they is and are hereby respectively required, at the next General Quarter Sessions of the Peace that shall be held for the said County in the Western Division thereof, after the said Midsummer Day One thousand seven hundred and ninety-three, to pay out of the Assets of the said Randolph Tutté deceased as aforesaid, the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, so received as aforesaid, or so much thereof as shall be, remain, or come into his or their Hands respectively, and hereby declared liable to the Payment thereof as aforesaid, into the publick Stock or Fund, commonly called The County Stock of the said Western Division; and that in Default of such Payment, or of any Part thereof, it shall and may be lawful to and for the Clerk of the Peace for the County of Sussex, and he is hereby authorized and empowered, in his own Name, and as for his own proper Debt, to enter up a Judgement as by Default in His Majesty's Court of Exchequer at Westminster, against the said Francis Tutté Clerk, as of Easter Term, in the Thirty-third Year of His present Majesty's Reign, for the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, or such Part thereof as shall remain unpaid as aforesaid, in an Action on the Case for Money had and received by the said Randolph Tutté in his Life Time to the Use of the said Clerk of the Peace under and by virtue of this Act, and thereupon to sue out a Scire Facias against the said Francis Tutté Clerk, his Executor or Executors, Administrator or Administrators, or the Administrator or Administrators de bonis non of the said Randolph Tutté deceased (as the Case may require) and to have his Execution thereupon against such Defendant or Defendants of such Assets as aforesaid, to which Scire Facias such Defendant or Defendants respectively shall be at Liberty to plead that the Executor or Executors,

to be paid at next *Midsummer* Sessions, &c.

In Default, Clerk of the Peace to prosecute.

Executors, Administrator or Administrators of the said Randolph Tutté deceased, or the said Francis Tutté Clerk, hath or have fully administered the Goods and Chattels of the said Randolph Tutté deceased, which came into the Hands of them, or any of them, before the said Seventeenth Day of April in this Act before mentioned, and that he or they respectively hath or have not in his or their Hands any Goods or Chattels of the said Randolph Tutté which are liable to the Payment of the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, or any Part thereof, or to shew any other Matter in Bar of such Execution, within the true Intent and Meaning of this Act; and it shall be lawful for such Clerk of the Peace to exhibit, with the Leave of the said Court, Interrogatories to such Defendant or Defendants, after such Plea or Pleas pleaded, touching the Assets of the said Randolph Tutté deceased, which shall have come into the Hands of such Executors or Administrators as aforesaid, or of such Defendant or Defendants as aforesaid; and such Defendant or Defendants shall be obliged to give a full and true Answer upon Oath, to the Satisfaction of the said Court, to the best of his or their Knowledge or Belief, touching all such Matters as aforesaid, otherwise such Plea shall be disallowed; and in case such Execution shall be awarded after such Plea pleaded, the said Clerk of the Peace shall be entitled to his full Costs in that Behalf against such Defendant or Defendants, to be levied of his or their proper Goods and Chattels, and the Money so recovered shall be paid into the publick Stock or Fund commonly called The County Stock of the said Western Division.

On Payment of his Money, Mr. *Gilbert* to be indemnified.

III. And be it further enacted, That the said Charles Gilbert, his Heirs, Executors, and Administrators, and his and their Lands, Tenements, Goods, and Chattels, when and as soon as he or they shall have paid the said Sum of One thousand three hundred and twenty-seven Pounds Eleven Shillings and One Penny Three Farthings into the said publick Stock or Fund, commonly

called The County Stock in the said Eastern Division as aforesaid, and the said Francis Tutté Clerk, his Executors and Administrators, and the Heirs, Executors, and Administrators of the said Randolph Tutté deceased, and the Lands and Tenements, Goods and Chattels which were of the said Randolph Tutté deceased at the Time of his Death, when and so soon as he or they shall have paid the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, or such Part thereof as the Assets aforesaid of the said Randolph Tutté deceased shall amount unto, into the said publick Stock or Fund commonly called The County Stock in the said Western Division as aforesaid, or shall have satisfied the same in pursuance of this Act, shall be and are hereby respectively indemnified and absolutely discharged as fully and effectually, to all Intents and Purposes whatsoever, as if the same had been paid unto and a Receipt given for the same by his Majesty's Receiver General of the Land Tax of the said County of Sussex, in pursuance of any Act or Acts of Parliament relating to or in anywise concerning the raising and training the Militia within that Part of Great Britain called England, or otherwise howsoever.

Justices at Sessions for Eastern Division to pay thereout the Expences of this Act;

IV. And be it further enacted, That at the said General Quarter Sessions of the Peace that shall be held for the said County, and in the said Eastern Division, or Adjournment thereof, or some other subsequent Quarter Sessions, by and out of the said Sum of One thousand three hundred and twenty-seven Pounds Eleven Shillings and One Penny Three Farthings, so directed to be paid by the said Charles Gilbert into the publick Stock or Fund, commonly called The County Stock, as aforesaid, his Majesty's Justices of the Peace then and there in such Sessions assembled, or the major Part of them, shall, and they are hereby authorized and required, to pay and discharge all Costs, Charges, and Expences which shall be incurred in and about the applying for, obtaining, and passing this Act, and all other Charges and Expences attendant thereon; and that at the Gene-

ral Quarter Sessions of the Peace that shall be held for the said County in the said Western Division thereof, next after the Payment of the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, hereby directed to be paid, or after the final Determination of any Proceedings to be had thereupon in pursuance of this Act, or some other subsequent Quarter Sessions, or Adjournment thereof, by and out of the said Sum of Eight hundred and eighty-two Pounds Two Shillings and Nine-pence Farthing, or such Part thereof as shall be paid or recovered out of the Assets of the said Randolph Tuttè deceased, as aforesaid, His Majesty's Justices of the Peace then and there in such Sessions assembled, or the major Part of them, shall cause the said publick Stock or Fund in the Eastern Division of the said County to be reimbursed such Portion of the said Charges and Expences incurred as aforesaid, as the Sum so paid into the said publick Stock or Fund in the said Western Division shall bear to the Sum hereby directed to be paid into the said publick Stock or Fund in the said Eastern Division.

and Justices for Western Division to reimburse them a proportionable Part of such Expences.

V. And be it further enacted, That the Remainder of the said several Sums, paid into the respective publick Stocks or Funds aforesaid in pursuance of this Act, after Payment of all such Costs, Charges, and Expences as aforesaid, shall be deemed and taken to be, and be paid and applied as Part of the Common County Stock of the respective Divisions aforesaid, to and for such Uses, and in such Manner, as the Stock of the said Divisions respectively can or may be applied; and His Majesty's Justices of the Peace acting in and for the said Divisions respectively are hereby authorized to order the same to be disposed of accordingly.

Remainder to be applied as the respective public Stocks of said Division are applied.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged and deemed to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

FINIS.