



Highway Act 1835

CHAPTER 50

HIGHWAY ACT 1835

- Repeal of 6 G. 1. c. 6. in part, except as to London ;
- II Not to revive repealed Acts.
 - III As to the Recovery of Penalties incurred for Offences against Acts repealed.
 - IV Present Surveyor to continue until a Surveyor is appointed.
 - V Interpretation Clause.
 - VI Surveyor to be elected annually. May be re-elected.
 - VII Qualification of Surveyor.
 - VIII Penalty on Surveyor not acting when chosen.
 - IX Surveyor may be appointed with a Salary.
 - X Surveyor, on verifying his Accounts, to name his Successor.
 - XI Power to Justices in certain Cases to appoint a Surveyor.
 - XII When Parish is situate in more than One County.
 - XIII Parishes may direct Application to be made to Justices at Sessions for forming them into Districts.
 - XIV Justices at Sessions may unite such Parishes into Districts, and select and appoint a District Surveyor.
 - XV Names of Parishes and of District Surveyor to be recorded, and a Copy thereof sent to each Churchwarden, &c. Parishes when united to form a District for Three Years and until Twelve Months after any one Parish shall give Notice of Intention to cease to form one of said District.
 - XVI District Surveyor to have Power, &c. of Surveyor, except in levying Rate. Salary of District Surveyor how to be paid.
 - XVII When Parishes are united, a Surveyor to be appointed to make Rate, &c.
 - XVIII Appointment of a Board directing Repairs in large Parishes. Powers of the Board.
 - XIX Board may hire or purchase Premises.
 - XX Penalty on Surveyor, &c. for Neglect of Duty.

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- XXI As to Repair of Highways adjoining Bridges hereafter to be built.
Raised Causeways, &c.
- XXI Powers for getting Materials and preventing Nuisances to extend to
County Bridges and Roads at the Ends thereof.
- XXIII When new Highways are to be kept in repair by Parishes. Proviso.
- XXIV Direction Posts, where and how to be erected.
- XXV Power to use adjoining Ground as a temporary Road.
- XXVI Surveyor to remove Snow, &c.
- XXVII Surveyor to make Rate. Rate to be allowed by Justices.
- XXVIII Surveyor may inspect Rate Book, and obtain Copies or Extracts.
- XXIX Form and Amount of Rate.
- XXX Surveyor to have Power to enforce Composition in certain Parishes.
- XXXI Errors in Rates may be rectified.
- XXXII Persons may be excused by Justices from Payment of Highway Rate.
- XXXIII Certain Persons not liable to Payment of Highway Rate.
- XXXIV Rates how to be recovered.
- XXXV Rate-payers may divide among themselves the Conveyance of Stone,
&c. for Repair of Highways, which shall be paid for by the Surveyor.
- XXXVI Surveyor, with Consent of Vestry, may appoint Collector of Rates.
- XXXVII Security to be taken from Collector.
- XXXVIII Collector to make out Accounts of all Monies received under this Act,
&c.
- XXXIX Separate Accounts to be kept.
- XL Surveyor to keep Books, and Account of Monies received, &c. to be
open to Inspection of rated Inhabitants.
- XLI The Properly in all Books, &c. to be vested in Surveyor for the Time
being.
- XLII Surveyor, on quitting Office, to deliver Books, &c. to succeeding
Surveyor. Penalty for Neglect.
- XLIII In case of Death of Surveyor, Executors to account.
- XLIV Yearly Accounts to be made by Surveyors, &c. and laid before the
Justices at a Special Sessions for the Highways. Subject to appeal.
Surveyors appointed under the Act of 13 G. 3. to pass their Accounts at
Special Sessions after 25th March 1834.
- XLV Justices to hold Special Sessions for Purposes of this Act. At such
Sessions Surveyor to verify Accounts, and make Returns of the State of
the Roads, &c.
- XLVI Surveyor may contract for getting and carrying Materials ; but not to
share in any Contract, or get to hire any Team, or dispose of any Timber,
Stones, &c. without Licence from Two Justices. Penalty.
- XLVII Penalty on taking away Materials belonging to Surveyor.
- XLVIII Land allotted to the Parish for Materials, when exhausted, may be sold.
- XLIX Tenant for Life, &c. may renounce Damages.
- L Persons enfeoffed with Lands for Maintenance of Highways, &c. shall
let them to farm at the most improved Value, with Consent of Justices.
- LI Materials where and in what Manner to be taken by Surveyors. Power to
gather Stones without making Satisfaction, but Satisfaction to be made
for Damages done by carrying them away.
- LII Not to extend to Sea Beach, &c.
- LIII Notice to be given before Materials are taken from private Lands. If the
Occupier shows Cause against the Removal, Two Justices shall decide
thereon.

- LIV If sufficient Materials cannot be found in Waste Lands, &c. Surveyor may take them from the several or inclosed Lands or Grounds, making Satisfaction to the Owners.
- LV If Surveyor shall make Pits or Holes in getting Materials, he shall cause them to be filled up or sloped down, and fenced off ; and in like Manner all those already made. Penalties on Surveyor for Neglect herein.
- LVI Penalty on Surveyor allowing any Heap of Stone, &c. to remain on Highway at Night.
- LVII Surveyor damaging Mills, Dams, &c. by digging Materials, to forfeit not exceeding 5l.
- LVIII Where a Highway lies in Two Parishes, the Justices to determine what Parts shall be repaired by each. Proviso in case of Highway repaired by Party, *ratione tenurae*, &c.
- LIX Parishes, bound to repair the Part so allotted.
- LX How Costs of Proceedings shall be defrayed, &c.
- LXI Boundary of Counties, &c. not to be changed, except for the Purpose aforesaid.
- LXII Highway repaired by Party, *ratione tenurae*, &c. may be made a Parish Highway.
- LXIII What shall be deemed the Centre of the Highway.
- LXIV No Tree, &c. allowed to be planted within 15 Feet of the Centre of the Carriageway.
- LXV Mode of proceeding if Highway is prejudiced by Hedges, &c.
- LXVI Time of cutting Hedges and Trees.
- LXVII Surveyor to make and keep open Ditches, &c. and to lay Trunks, &c. through Lands adjoining Highway, paying for Damage if any incurred.
- LXVIII Owner, Occupier, &c. not to alter such Ditches, without Consent.
- LXIX Penalty for encroaching on Highway. Encroachment to be taken down by the Surveyor.
- LXX Steam Engines, &c. not to be erected within a certain Distance of Roads.
- LXXI Proprietors of Railways to erect Gates, &c. where they cross Highways.
- LXXII Penalty on Persons committing Nuisances by riding on Footpaths, &c ; by injuring the Road ; by damaging Banks, Causeways, Direction Posts, Milestones, &c. ; by making Fires ; by baiting Bulls ; by laying Timber, &c. ; by running of Filth.
- LXXIII Matters laid on or near Highway, so as to be a Nuisance, to be removed on Notice; or on Failure, Surveyor to dispose of the same by Order of a Justice.
- LXXIV Surveyor to impound Cattle found straying oa Highways until the Penalty herein imposed and the Charges are paid. Limiting the Extent of Penalty. Right of Pasturage not taken away.
- LXXV Punishing Persons guilty of Pound-breach.
- LXXVI Names of Owners to be painted on all Waggons, &c. in the Manner herein mentioned.
- LXXVII One Driver may take charge of Two Carts, provided they are drawn only by One Horse each.
- LXXVIII Drivers of Waggons or Carts not to ride thereon unless some other Person guide them. Drivers causing Hurt or Damage to others, or quitting the Road, or driving Carriage without Owner's Name, or not keeping the Left or Near Side, or interrupting free Passage, if not the

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- Owner to forfeit 20s. ; if he be the Owner, 40s. Proceeding if Driver will not discover his Name.
- LXXXIX For securing unknown Offenders.
- LXXX Cartways to be Twenty Feet wide, Horseways Eight Feet, and Footways Three Feet.
- LXXXI Width of Gates across public Cartways and Horseways.
- LXXXII Justices may order narrow Highways to be widened. Surveyor to agree with Owners of Land for Recompence, and if they cannot agree the same may be assessed by a Jury at the Quarter Sessions. On Payment of Money assessed, Ground to be deemed a public Highway. Where there is not Money sufficient, a further Rate may be made, by Order of the Justices at their Quarter Sessions, not exceeding One Third of Rate.
- LXXXIII Cost of Proceedings, by whom payable.
- LXXXIV Previous to a Highway being stopped up, &c. Surveyor to request Justices to view the same.
- LXXXV Proceedings for diverting, &c. certain Highways, and stopping up unnecessary Highways.
- LXXXVI As to stopping up more than One Highway connected together.
- LXXXVII Court may confirm Order for so doing wholly or in part.
- LXXXVIII Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up, &c may appeal.
- LXXXIX In case of Appeal, Jury at Sessions, to determine whether new Highway is nearer, &c.
- XC Costs to be awarded in Appeal against stopping up, &c. Highway.
- XCI If no Appeal be made, or if dismissed, Sessions to make Order for diverting, &c. and the old Ways may be stopped. New Highway shall afterwards continue a public Highway, &c.
- XCII Party liable to Repair of old Highways to repair new Highways.
- XCIII Provisions as to widening of a Highway to extend to all Highways which Persons are bound to repair *ratione tenurae*, &c. Justices to fix annual or other Amount payable by Party previously bound to repair.
- XCIV Mode of proceeding before Justices if Highway is out of repair. In what Cases Justices cannot interfere.
- XCV Mode of proceeding if Obligation to repair is disputed.
- XCVI Fines, Penalties, and Forfeitures how to be levied and applied.
- XCVII Justices empowered to award Costs to Defendant, where Information, &c. is withdrawn or dismissed.
- XCVIII Court may award Costs to the Prosecutor.
- XCIX No Presentment against Inhabitants for Highway being out of repair.
- C Inhabitants and Officers in Parishes may give Evidence.
- CI Justices may proceed by Summons in the Recovery of Penalties.
- CII Compelling Witnesses to attend and give Evidence.
- CIII Forfeitures, Costs, and Charges may be levied by Distress and Sale. Application of Penalties.
- CIV Satisfaction recoverable for special Damage; but Distress not to be deemed unlawful for Want of Form in the Proceedings. Plaintiff not to recover for Irregularity if Tender of Amends be made.
- CV Appeal may be made to Quarter Sessions against Rate, &c.
- CVI Provisions of 41 G.3 c.23 applicable to this Act.
- CVII Rates and Proceedings not to be quashed for Want of Form.
- CVIII In case of Appeal, Sessions may grant a special Case.
- CIX Limitation of Actions. Defendant may plead the General Issue. Costs.
- CX Amount of Fees.

- CXI Expences for defending Prosecutions agreed upon at a Vestry Meeting,
how to be paid.
- CXII Limiting Powers of 57 G.3 c. 29.
- CXIII Not to extend to Turnpike Roads, or to Roads under Local Acts.
- CXIV Not to affect the Universities ;
- CXV nor the Rights and Liberties of the City of London ;
- CXVI nor the Act 1 G.4 c.vii.
- CXVII Powers of Commissioners of Sewers not abridged.
- CXVIII Concerning the Forms of Proceedings.
- CXIX Commencement of Act.
- CXX Act may be altered this Session.

The SCHEDULE —
(stating the Forms) to
which this Act refers