



# Highway Act 1835

## 1835 CHAPTER 50

### **LXV Mode of proceeding if Highway is prejudiced by Hedges, &c.**

And be it further enacted, That if the Surveyor shall think that any Carriageway or Cartway is prejudiced by the Shade of any Hedges, or by any Trees (except those Trees planted for Ornament or for Shelter to any Hop Ground, House, Building, or Court Yard of the Owner thereof,) growing in or near such Hedges or other Fences, and that the Sun and Wind are excluded from such Highway, to the Damage thereof, or if any Obstruction is caused in any Carriageway or Cartway by any Hedge or Tree, it shall be lawful for any One Justice of the Peace, on the Application of the said Surveyor, to summon the Owner of the Land on which such Hedges or Trees are growing next adjoining to such Carriageway or Cartway to appear before the Justices at a Special Sessions for the Highways to show Cause why the said Hedges are not cut, pruned, or plashed, or such Trees not pruned or lopped, in such Manner that the Carriageway or Cartway shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Carriageway or Cartway to the Damage thereof, or why the Obstruction caused in such Carriageway or Cartway should not be removed; and the Question as to the cutting, pruning, or plashing such Hedges, or the pruning and lopping such Trees, or the Removal of such Obstruction as aforesaid, shall, upon Proof of the Service of such Summons, and whether the said Owner attend or not, be determined at the Discretion of such last-mentioned Justices ; and if such Justices shall order and direct that such Hedges shall be cut, pruned, or plashed, or such Trees pruned or lopped, in manner aforesaid, or such Obstruction removed, the said Owner shall comply therewith within Ten Days after a Copy of such Order shall have been left at the usual Place of Abode of the said Owner or of his Steward or Agent, and in default thereof shall forfeit, on Conviction, a Sum not exceeding Forty Shillings ; and the said Surveyor, if the Order of the said Justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such Hedges, and to prune and lop such Trees, for the Benefit and Improvement of the Highway, and to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and according to the true Intent and Meaning of this Act; and the said Surveyor shall be reimbursed by the Owner as aforesaid what Charges and Expences he shall be at in cutting, pruning, and plashing such Hedges, and pruning and lopping such Trees, and the Removal of such Obstruction, over and above the said Forfeiture; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath,

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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to levy as well the Expences of cutting, pruning, and plashing such Hedges, or pruning and lopping such Trees, or Removal of such Obstructions as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.