



Highway Act 1835

1835 CHAPTER 50

LXXIV Surveyor to impound Cattle found straying on Highways until the Penalty herein imposed and the Charges are paid. Limiting the Extent of Penalty. Right of Pasturage not taken away.

And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying, or being depastured, on any Highway or on the Sides thereof, without a Keeper, (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground,) any Surveyor, or any other Person authorized by him, is hereby required to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish where the same shall be found, or in such other Place as the Surveyor shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay any Sum not exceeding One Shilling, together with the reasonable Charges and Expences, such Charges and Expences to be settled by any Two Justices of the Peace, of impounding and keeping the same, to the Surveyor of the Parish in which the Beast so impounded shall have been found, the said Sum so paid for each Beast to be applied to the Repair of the said Highway; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being thereof first given to the Owner, if known at the Time,) it shall and may be lawful for any Two Justices of the Peace to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner of such Inclosure, nor employed by such Owner, or that it arose from Accident, and was not wilful, in which Case such Justices may remit the said Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within One Calendar Month after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and

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Expences, in the same Manner as the said Penalty of One Shilling is herein directed to be applied : Provided always, that no Owner of any Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Twenty Shillings, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded at One Time : And provided always, that nothing in this Act shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Highway.