



# Highway Act 1835

## 1835 CHAPTER 50

### **XCIV Mode of proceeding before Justices if Highway is out of repair. In what Cases Justices cannot interfere.**

And be it further enacted, That from and after the Commencement of this Act, if any Highway is out of repair or is not well and sufficiently repaired and amended, and Information thereof, on the Oath of One credible Witness, is given to any Justice of the Peace, it shall and maybe lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the Parish, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned, to be held within the Division in which the said Highway may be situate; and the said Justices shall either appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled, on a certain Day and Place to be then and there fixed, at which the said Surveyor of the Highways or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the said Person so appointed by them to view, or on the View of such Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions shall convict the said Surveyor or other Party liable to the Repair of the said Highway in any Penalty not exceeding Five Pounds, and shall make an Order on the said Surveyor, or other Person or Bodies Politic or Corporate liable to repair such Highway, by which Order they shall limit and appoint a Time for the repairing for the same; and in default or such Repairs being effectually made within the Time so limited, the said Surveyor, or such other Person or Body Politic or Corporate as aforesaid, shall forfeit and pay to some Person to be named and appointed in a Second Order a Sum of Money to be therein stated, and which shall be equal in Amount to the Sum which the said Justices shall, on the Evidence produced before them, judge requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under this Act, and such Money when recovered shall be applied to the Repair of such Highway ; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their said Order what Proportion shall be paid by each of the said Parties : Provided, that if the said Highway so out of repair is a Part of

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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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the Turnpike Road, the said Justices shall summon the Treasurer or Surveyor or other Officer of such Turnpike Road, and the Order herein directed to be made shall be made on such Treasurer or Surveyor or other Officer as aforesaid, and the Money therein stated shall be recoverable as aforesaid : Provided nevertheless, that the said Justices shall not have Power to make such Order as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.