



Highway Act 1835

1835 CHAPTER 50

XCV Mode of proceeding if Obligation to repair is disputed.

And be it enacted, That if on the Hearing of any such Summons respecting the Repair of any Highway the Duty or Obligation of such Repairs is denied by the Surveyor on behalf of the Inhabitants of the Parish, or by any other Party charged therewith, it shall then be lawful for such Justices and they are hereby required to direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway shall be, against the Inhabitants of the Parish or the Party to be named in such Order for suffering and permitting the said Highway to be out of repair ; and the Costs of such Prosecution shall be directed by the Judge of Assize before whom the said Indictment is tried, or by the Justices at such Quarter Sessions, to be paid out of the Rate made and levied in pursuance of this Act in the Parish in which such Highway shall be situate: Provided nevertheless, that it shall be lawful for the Party against whom such Indictment shall be so preferred at the Quarter Sessions as aforesaid to remove such Indictment by Certiorari or otherwise into His Majesty's Court of King's Bench.