



Highway Act 1835

1835 CHAPTER 50

XXIII When new Highways are to be kept in repair by Parishes. Proviso.

And be it further enacted, That no Road or Occupation Way made or hereafter to be made by and at the Expence of any Individual or private Person, Body Politic or Corporate, nor any Roads already set out or to be hereafter set out as a private Drift way or Horse path in any Award of Commissioners under an Inclosure Act, shall be deemed or taken to be a Highway which the Inhabitants of any Parish shall be compellable or liable to repair, unless the Person, Body Politic or Corporate, proposing to dedicate such Highway to the Use of the Public shall give Three Calendar Months previous Notice in Writing to the Surveyor of the Parish of his Intention to dedicate such Highway to the Use of the Public, describing its Situation and Extent, and shall have made or shall make the same in a substantial Manner and of the Width required by this Act, and to the Satisfaction of the said Surveyor and of any Two Justices of the Peace of the Division in which such Highway is situate in Petty Sessions assembled, who are hereby required, on receiving Notice from such Person or Body Politic or Corporate to view the same, and to certify that such Highway has been made in a substantial Manner, and of the Width required by this Act, at the Expence of the Party requiring such View, which Certificate shall be enrolled at the Quarter Sessions holden next after the granting thereof, then and in such Case, after the said Highway shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, such Highway shall for ever thereafter be kept in repair by the Parish in which it is situate: Provided nevertheless, that on Receipt of such Notice as aforesaid the Surveyor of the said Parish shall call a Vestry Meeting of the Inhabitants of such Parish, and if such Vestry shall deem such Highway not to be of sufficient Utility to the Inhabitants of the said Parish to justify its being kept in repair at the Expence of the said Parish, any One Justice of the Peace, on the Application of the said Surveyor, shall summon the Party proposing to make the new Highway to appear before the Justices at the next Special Sessions for the Highways to be held in and for the Division in which the said intended Highway shall be situate ; and the Question as to the Utility as aforesaid of such Highway shall be determined at the Discretion of such Justices.