



# Highway Act 1835

## 1835 CHAPTER 50

### **LI Materials where and in what Manner to be taken by Surveyors. Power to gather Stones without making Satisfaction, but Satisfaction to be made for Damages done by carrying them away.**

And be it further enacted, That it shall and may be lawful for every such Surveyor, in any Waste Land or Common Ground, River or Brook, within the Parish for which he shall be Surveyor, or within any other Parish wherein Gravel, Sand, Stone, or other Materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the Parish where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish,) to search for, dig, get, and carry -away the same, so that the said Surveyor doth not thereby divert, or interrupt the Course of such River or Brook, of prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of One hundred and fifty Feet above or below any Bridge, nor within the like Distance of any Dam Or Wear ; and likewise to gather Stones lying upon any Lands Or Grounds within the Parish where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials, but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Owner of such Lands or Grounds, or a Licence for that Purpose from Two Justices at a Special Sessions for the Highways, after having summoned such Owner to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.