



# Highway Act 1835

## 1835 CHAPTER 50

### **LVIII Where a Highway lies in Two Parishes, the Justices to determine what Parts shall be repaired by each. Proviso in case of Highway repaired by Party, ratione tenurae, &c.**

And whereas it frequently happens that the Boundaries of Parishes pass across or through the Middle of a common Highway, and one Side of such Highway is situated in one Parish, and the other Side in another Parish, whereby great Inconveniences often arise in repairing the same ; be it enacted, That the Justices at a Special Sessions for the Highways, on Complaint of any Surveyor of any Parish, (stating in Writing, and on a Plan thereunto annexed, that there is such a Highway, one Side whereof ought to be repaired by one Parish, and the other Side by another, and particularly describing the same by Metes, Bounds, and Admeasurement thereof,) may issue their Summons, with a Copy of such Writing and Plan thereunto annexed, to the Surveyor of, such other Parish, to appear before them on a Day mentioned in such Summons ; and if the Parties appear such Justices may then proceed finally to decide the Matter, in manner herein mentioned, in case all the Parties shall consent thereto; but in case the Surveyor summoned shall not appear on such first Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter for any further Time, not more than Twenty-one Days nor less than Fourteen Days from the Date of such Adjournment, of which the Surveyor not appearing, or appearing shall require further Time, shall have Notice, on which Day the said Justices shall proceed to hear the Parties and their Witnesses, and, whether the Party summoned does or does not appear, shall proceed to examine and finally determine the Matter in form following ; (that is to say,) that it shall and may be lawful for such Justices and they are hereby required to divide the whole of such Common Highway, by a transverse Line crossing such Highway, into equal Parts, or into such unequal Parts and Proportions as, in consideration of the Soil Waters, Floods, and Inequality of such Highway, or any other Circumstances attending the same, they in their Discretion shall think just and right, and to declare, adjudge, and order that the whole of such Highway on both Sides thereof, in any of such Parts, shall be maintained and repaired by one of such Parishes, and that the whole thereof on both Sides, in the other of such Parts, shall be maintained and repaired by the other of such Parishes, and shall cause such their Order, and a Plan of such Highway, and the Allotment thereof as before mentioned, to be fairly delineated on Paper or Parchment, and filed with the Clerk of the Peace of the County

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in which such Highway shall happen to lie, and shall also cause such Posts, Stones, or other Boundaries to be placed and set up in such Highway as in their Judgment shall be necessary for ascertaining the Division and Allotment thereof: Provided nevertheless, that in the Case of any such last-mentioned Highway, the Repair of any Part of which belongs to any Body Politic or Corporate, or to any Person, by the Reason of Tenure of any Lands, or otherwise howsoever, the same Proceedings may be adopted, but the said Body Politic or Corporate, or Person, or some one on their Behalf, may appear before such Justices, and object to such last-mentioned Proceedings, in which Case the said Justices shall, before they divide such Highway as aforesaid, hear and consider the Objection so made, and determine the same.