



Highway Act 1835

1835 CHAPTER 50

LXXXV Proceedings for diverting, &c. certain Highways, and stopping up unnecessary Highways.

And be it further enacted, That when it shall appear upon such View of such Two Justices of the Peace, made at the Request of the said Surveyor as aforesaid, that any public Highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the Public, and the Owner of the Lands or Grounds through which such new Highway so proposed to be made shall consent thereto by Writing under his Hand, or if it shall appear upon such View that any public Highway is unnecessary, the said Justices shall direct the Surveyor to affix a Notice in the Form or to the Effect of Schedule (No. 19-) to this Act annexed in legible Characters, at the Place and by the Side of each End of the said Highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same Notice in One Newspaper published or generally circulated in the County where the Highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid, (as the Case may be,) shall lie, for Four successive Weeks next after the said Justices have viewed such public Highway, and to affix a like Notice on the Door of the Church of every Parish in which such Highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any Part thereof, shall lie, on Four successive *Sundays* next after the making such View; and the said several Notices having been so published, and Proof thereof having been given to the Satisfaction of the said Justices, and a Plan having been delivered to them at the same Time particularly describing the old and the proposed new Highway, by Metes, Bounds, and Admeasurement thereof, which Plan shall be verified by some competent Surveyor, the said Justices shall proceed to certify under their Hands the Fact of their having viewed the said Highway as aforesaid, and that the proposed new Highway is nearer or more commodious to the Public ; and if nearer, the said Certificate shall state the Number of Yards or Feet it is nearer, or if more commodious, the Reasons why it is so ; and if the Highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the Certificate shall state the Reason why it is unnecessary; and the said Certificate of the said Justices, together with the Proof and Plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said Certificate, be lodged with the Clerk of the Peace for the County in which the said Highway is situated, and shall (at the

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Quarter Sessions which shall be holden for the Limit within which the Highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the Expiration of Four Weeks from the Day of the said Certificate of the said Justices having been lodged with the Clerk of the Peace as aforesaid,) be read by the said Clerk of the Peace in open Court; and the said Certificate, together with the Proof and Plan as aforesaid, as well as the Consent in Writing of the Owner of the Land through which the new Highway is-proposed to be made, shall be enrolled by the Clerk of the Peace amongst the Records of the said Court of Quarter Sessions: Provided always, that any Person whatever shall be at liberty, at any Time previous to the said Quarter Sessions, to inspect the said Certificate and Plan so as aforesaid lodged with the said Clerk of the Peace, and to have a Copy thereof, on Payment to the Clerk of the Peace at the Rate of Sixpence *per* Folio, and a reasonable Compensation for the Copy of the Plan.