

CHAPTER 130.

HIGHWAYS DIVERSION.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. (1) Notice of proposed stopping-up and diversion of highways.
(2) Purchase of land for new highway.
(3) Procedure under Cap. 116.
4. Compensation to owners, etc., of land.
5. Expenses of diversion to be borne by party requiring diversion, etc.
6. Liability for repair of new highway.

CHAPTER 130.

HIGHWAYS DIVERSION.

An Ordinance to provide for the Stopping and Diversion of Highways and the substitution of new Highways in lieu thereof. 2 of 1905.
Sec. 14 of
12 of 1924.

[23RD MARCH, 1905.]

1. This Ordinance may be cited as the Highways Diversion Ordinance. Short title.

2. In this Ordinance the word "highways" means all roads, bridges, carriageways, horseways, footways, and causeways. Interpreta-
tion.

The word "District" means the area, consisting of Sherbro Island and the Turtle and other islands adjoining and belonging thereto, together with York Island.

3. (1) Whenever any person, or body politic or corporate, shall be desirous of stopping up and diverting any highway in the Colony, he or it shall affix a notice in the form or to the effect of the schedule to this Ordinance, at the place and by the side of each end of the said highway, from which the same is proposed to be stopped up and diverted and shall also insert the same notice in the *Gazette* for four successive weeks next after the date of such notice, and shall also deliver to the Governor in Council a plan of the old and the proposed new highway. Notice of
proposed
stopping-up
and diversion
of highways.

Purchase of
land for new
highway.

(2) Whenever it shall be deemed expedient that any highway should be stopped up and diverted, it shall be lawful for the Governor in Council to order that such highway shall be stopped up and diverted, and thereupon such highway shall cease to be a public highway:

Provided always that whenever any highway shall be ordered to be stopped up and diverted it shall be lawful for the Governor, and he is hereby required, to purchase or otherwise acquire land for a new highway, and the new highway, so to be appropriated and set out, shall be a public highway, to all intents and purposes whatsoever; but no old highway shall be stopped up until such new highway shall be completed and put into good condition and repair and so certified by the Director of Public Works.

Procedure
under
Cap. 116.

(3) The provisions of the Public Lands Ordinance shall apply so far as practicable to the acquiring of land for a proposed new highway under this section, and every proposed new highway shall be deemed to be a public work within the meaning of that Ordinance.

Compensation
to owners,
etc., of land.

4. The owners and occupiers of, and all other persons interested in, any land adjoining any highway ordered to be stopped up, and which said land is injuriously affected by the stopping up of such highway shall be entitled to, and shall receive, compensation for all injury sustained by such owners, occupiers and other persons by reason of the stopping up of such highway, the amount of such compensation to be ascertained and determined in the same manner as provided by sections 15, 16, and 17 of the Public Lands Ordinance, for the ascertainment and determination of the amount of compensation to be allowed for lands injuriously affected by the exercise of the powers in the said Ordinance contained.

Cap. 116.

Expenses of
diversion to
be borne by
party
requiring
diversion, etc.

5. Whenever any highway is stopped up and diverted at the instance of any person or body politic or corporate, all the expenses incurred in stopping up and diverting such old highway, and in compensating the owners and occupiers of, and other persons interested in, any lands injuriously affected by the stopping up of such old highway, and in acquiring land for, and in setting out and appropriating and completing and putting in good condition and repair such new highway shall be borne and paid by the party at whose instance such old highway has been stopped up and diverted.

6. In every case in which a highway shall have been stopped up and diverted under the provisions of this Ordinance, the district, body politic or corporate or other party, which was liable to the repair of the old highway, shall be liable to the repair of the new highway.

Liability for repair of new highway.

SCHEDULE.

Sec. 3 (1).

FORM OF NOTICE OF STOPPING UP AND DIVERTING HIGHWAY.

Notice is hereby given that on the.....day.....next application will be made to the Governor in Council for an Order for stopping up and diverting (Here describe road proposed to be stopped up and diverted.)

Dated this.....day of.....19.....

A.B.