

as aforefaid, in feveral Parifhes, fhall be charged in each Town or Parifh where fuch Land lieth, *fcil.* To find in each Town or Parifh one Cart furnifhed, as aforefaid.

In places where there is no ufe of Carts and Teems, but the uſage is to carry Materials on Horſes backs, or by other kind of Carriages, then the Inhabitants uſing ſuch kind of Horſes or Carriages, ſhall ſend in the ſame with able perſons, to work under ſuch Directions, Forfeitures, and Penalties, as by former Statutes is appointed for Carts and Teems.

22 Car. 2.

5. If any of the Carriages ſhall not be thought needful by the Surveyors upon any the ſaid days, if then every ſuch perſon ſhall not ſend two able Men for every Cart of theirs ſo ſpared. 2 & 3 P. & M. P. 13, 14
P. 3.

6. If every other Houſholder, Cottager, or Labourer, (able to labour, and being no hired Servant by the year) do not by himſelf, or one ſufficient Labourer, work every of the ſaid ſix days by the ſpace of eight hours, as they ſhall be appointed by the Surveyors, 2 & 3 P. & M. P. 4.

A Cottager one deſcribeth to be, *Cafa ruſtica ex leviore materia excitata, arundine aut ulva paluſtri teſta.* Minſh.

And he is a Cottager that dwelleth in ſuch Cottager or Houſe, without Land belonging to it. 4 E. 1. Stat. 1.

7. Note, that all perſons being chargeable but as Cottagers, yet if they be in the Subſidy Five pounds in Goods, or Forty ſhillings in Lands, or above; they ſhall find two able Men to work every of the ſix days by the Stat. 18 El. 10. But it ſeemeth the Juſtice cannot preſent ſuch Default upon his own knowledge. P. 12.
18 El. 10.

§. 9. *Hedges and Ditches.* 8. If all Fences, Hedges and Ditches, next adjoining on other ſide any High-way, be not from time to time Diked, Scoured, Repaired, and kept low by the owners of the Ground. 5 El. & 18 El. c. 10. P. 7.

9. If all Trees and Buſhes growing in the High-ways be not cut down by the owners. 5 El. 18 El. c. 10.

And now it ſeemeth, that if (according to theſe laſt mentioned Statutes of 5 El. & 13. & 18 El. cap. 9) all the Hedges and Fences be kept low, the Trees and Buſhes cut down, and the Ditches ſcoured and repaired, it ſufficeth, though the Ways be not Two hundred foot wide on each ſide.

§. 10. *Whoſe ſhe Soil is.* Note, that the Kings High-way (or *Regia via*) leading either to the Market; or from Town to Town, the Freehold and Soil thereof, and the intereſt of all the Trees, and other ſuch Profits thereupon growing, do belong to the Lord of the Soil, or the Lord of the Mannor. 17 E. 3. fol. 43. & 8 E. 4. fol. 9. Br. *Chemin* 10, 11. & 27 H. 6. fol. 9. Br. *Lect* 3. And therefore ſuch Lords are chargeable to cut down the Trees and Buſhes growing in ſuch High-ways; and yet by the opinion of *Keeble*, 8 H. 7. fol. 5. the Freehold of the High-way, and the Trees thereupon growing, are belonging to him (*ſcil.* to any Freeholder) that hath the Land next adjoining, Br. *Nuſance* 28. But it ſeemeth this muſt be underſtood of Common Field-ways, or other private ways, and not of the Kings High-way. See 2 Ed. 4. fol. 9. *Britton*, fol. 111. RoHs 1 p.
p. 392.
2 Leon.
148.

Yet generally he that hath the Soil, or both ſides the High-way, ſhall have the Trees growing on the High-way; as was held 18 El. B. R. Cited P. 11 Jac. Rolls, 1 part 392. Yet the Lord of a Rape that hath ſeveral Hundreds in it, may preſcribe to have the Trees growing in any High-way, within that Rape, for the uſage, to take the Trees as a Badge of Ownership; as was Adjudged 11 Jac. B. R. In the Caſe of Sir John Pelham.

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