

§ H.7.5.
B. Nu-
lance 28.

Note also, that he who hath Land adjoining next to the Kings High way, by the Common Law (before these Statutes) was and is chargeable, and bound of common right, to cleanse and scour the Ditches adjoining to the said Way. *scil.* Between this Land and the High-way, without any Prescription so to do; but if anothers Land lie next the High-way, then he that lies not next is not bound, but by Prescription.

Styles, p.
154. per
Rolls.

At Lent Assizes at Cambridge, Anno 1622. Sir Ja. Ley delivered it in his Charge, that if any person hath made, or shall make, any Inclosure next the Kings High way, that such person shall be charged to amend the High-way adjoining to his said Inclosure; especially where he hath inclosed on both sides the way, he shall be charged with mending the whole Way between his Inclosures. And if one Man hath inclosed on the one side or part, and another Man on the other side, they shall be both charged to amend the same Ways, and the Parish is to be discharged.

Rolls 1 p.
of Abridg-
ment 390.

Otherwise High-ways must be sufficiently amended at the charge of the whole Town; and it is not enough for the Inhabitants to do their full six days work yearly, except their Ways be all well and sufficiently repaired: For if all their said Ways be not sufficiently amended, the whole Town may be Indicted therefore.

Where a High way lies out of a Parish or Hundred in a County, the County ought of right to repair it; and Process shall go against the whole County.

Because every Town regularly is to maintain and amend the High-ways within their own Parish, except it can be proved to have been usually amended by any other person or Town, or by the Hundred, or County, &c. Therefore if six days work in the year will not serve to amend them, the Surveyors may, yea must, appoint more days, &c.

And in the Case of Mile-end-Green, it was resolved M. 1649. that a Hamlet is not bound of common right to repair the High-ways, unless it be by special Custom; but a Village or Town is; as I have it in a Ms. and you may see to the same purpose. Stiles Rep. p. 163.

Also concerning the Causey (near Cambridge) called Doctor Harveys Causey, towards the repair whereof Doctor Harvey hath given Eight Pounds per Annum, (payable by the Master and Fellows of Trinity-Hall in Cambridge.) Sir James Ley said, That if this Eight pounds per Annum were not sufficient to repair the said Causey, that then the Towns adjoining, within which that Causey or Way doth lie, ought to help to repair the same.

It is called the Kings High-way, for that the King at all times hath therein passage for himself and his People, and may punish all Nufances therein; though otherwise the Interest thereof be in the Lord, to take all the Trees, and such other Profits there growing, and to bring his Action for digging therein, or for any other like Trespas there done.

And the King (by the Common Law) may award his Commission for the amending of the High-ways and Bridges throughout his Realm, so as his People may have safe passage thereby.

10. If any chosen to be Surveyor shall refuse the Office, or will not take upon him the execution thereof, 2 & 3 P. & M. every Justice of Peace may present this, as aforesaid.

Every Surveyor, within Twenty days after notice of his Election, shall upon the penalty of Five pounds view the Common High-ways and Bridges within his Division, and all Water-courses, Causeys, and Pavements, which are to be amended at publick Charge, and to make a Tax for the doing

P.13,14
P.3.

P.4.

P.124

3 EL.10.

P.7.

Rolls 1 p.
p.392.

11 E. 4.9.
9 E. 4.9.
2 E. 4.9.
3 E. 4.9.

Fiz.N.B.
113.2.

P.1.

1 Leon.
48.

§.11.
High-way.

§.12.
Surveyors,
their duty.