

a Plough may plough more Land in the year in one Country than in another.

And yet some others do make a difference between an Hide of Land, and a Carue or Plough land: for they say that an Hide of Land doth contain Four Plough lands, *ſc* 480 Acres: whereas a Carue or Plough-land containeth but Sixſcore Acres; and every Plough-land or Carue is Four Yard-land, (in Latin called *Quatrons terræ*): every Yard land containeth 30 Acres. But a Plough-land or Carue of Land, is called in Latin *Carucata terræ*, that is, *quantum aratrum arare poteſt in æſtivo tempore*: for which ſee *M. Skene*, *Miſh.* and the *Surveyors*, *Dialogue* made by *Johu Norden*, p. 59. And yet this definition or deſcription of *Carucata terræ* ſheweth, that it is not of any certain content.

Alſo a Carue of Land (or a Plough-land) may contain Houſe, Meadow, Paſture and Wood. *Co. L. 69.*

1. Now a man with one Plough and Five or Six Horſes will occupy, Plough and Drefs Seven or Eightſcore Acres of arable Land yearly; (as many do with us in the Eaſt parts of *Cambridgeſhire*) and will in Summer go uſually with two Draughts or Carts; yet ſuch perſon is uſually charged to the amending of the High-ways but with one Cart furniſhed. And another man dwelling in the ſame Town, occupieth but 40 or 50 Acres, or not ſo much, and keepeth but Three Horſes, and one Draught or Cart, and he likewiſe is uſually charged as the former, with one Cart furniſhed. Whether ſhould their Two charges for Carriages for the High-ways be alike? For mine own Opinion, I think it both reaſonable, and warranted by the words of the Statute, that he that for his own private buſineſs ſhall uſually make and ſet up Two Draughts or Carts; ſhall alſo for the King and Countries Services be chargeable with Two Draughts or Carts, though he occupy all his Land but with one Plough.

This matter came in debate in B. R. M. 27 Ca. 2. upon order made by the Juſtices of the Peace in Middleſex for charging ſeveral Brewers and Brick-makers living there, and uſing ſeveral Draughts, or Carts, to ſend ſo many as they kept for the repairing of the High-ways, and the order being removed in B. R. a Procedendo was awarded by Hales Juſtice, and the whole Court, who were ſtrongly of opinion, that ſo many Draughts as they kept, ſo many they ought to ſend, for ſo the ſervice they do will answer the wrong and damage by them occaſioned.

2. Again, what a Draught or Carriage ſhall be, *ſc.* with how many Horſes; and whether he that keepeth but two Horſes and a Cart (as many with us do) be chargeable or no: I find that a Draught for the Kings Carriages heretofore hath been ſometimes with Two Horſes, as it ſeemeth by the Statute of *Magna Charta*, cap. 21. (the words of the Statute be, *No Sheriff, &c.* ſhall take the Horſes or Carts of any perſon for Carriage, except he pay for one Cart with two Horſes *x d.* by the day, and for a Cart with Three Horſes *xiv d.* by the day: and therefore I ſhould think him that uſually goeth to Cart (for his own buſineſs) with Two Horſes, to be chargeable to find a Cart and Two Horſes for the amending of the High-ways, and to carry ſuch Loads as his Two Horſes are well able to draw.

3. Again, if one occupieth a Plough-land in Paſture, *viz.* Six or Eightſcore Acres or more of Paſture or feeding of Cattle, but keepeth neither Cart nor Plough, how ſhall he be charged to find a Cart or Draught that keepeth none? and yet the words of the Statute, 2 & 3 *Ph. & Mar. & 18 El. 9.* ſeem to charge him.

4. Again, he that ſhall keep a Draught for Carriage, or a Plough, though he occupy little or no Land or Paſture in his own hands, but only

Carteth

§. 20.
Carriage.