

C H A P. LXV. V. 35.

Night-walkers.

EVery Justice of Peace (*Ex officio*, and by the Commission, the first *Assignavimus*) may cause to be arrested all Night-walkers, be they ^{Lamb. 46.} strangers or other persons that be suspected, or that be of evil behaviour, ^{122.} or of evil fame; and more particularly all such suspected persons as shall ^{13 H. 7. 10.} sleep in the day time, and go abroad in the nights: And all such as shall in ^{See tit.} the night season haunt any Houle that is suspected for Bawdery, or shall in ^{Watch.} the night time use other suspicious company; or shall commit any other outrages or misdemeanors; and may force them to find surety for their good Behaviour. See the title, *Surety for the good Behaviour*.

For as one saith, Such Night-walkers (or night birds) are ominous, like ^{Pfal. 104.} the Whistler, &c. And such Night walkings are unfit for honest men, and more suiting to the Thief (the right Whistler) and to Beasts of the Prey; which come forth of their Dens, when Man goes to his rest.

C H A P. LXVI.

Nufances.

- §. 1. **F**Or Nufances in High ways. *Vide tit. High-ways. Sect. 27.* ^{33 H. 8. c. 17.}
- Hemp.* ' If any person shall water any Hemp or Flax, in any River, Running Water, Stream, Brook or Common Pond, where Beasts be usually watered, he shall forfeit Twenty shillings; a moiety to the party grieved, or any that will sue; the other moiety to the King, to be sued for in any Court of Record.
- §. 2. ' Transporting of Leather, contrary to 14 *Car. 2. c. 7.* is declared a Common Nufance. ^{14 Car. 2. c. 7.}
- Leather.*
- §. 3. ' Importing Cattle from *Ireland*, declared to be a Common Nufance. ^{18 Car. 2. c. 2.}
- Cattle.* ' No Butcher or his Servant shall slay any manner of Beast in any City, Borough, or Town walled (*Berwick* and *Carlisle* excepted) upon pain for every Ox 12 *d.* And for every Cow and other Beast 8 *d.* ^{4 H. 7. 1.}

C H A P. LXVII. V. 36.

Oath.

- §. 1. **N**O Judge, Commissioner, or Subject, is compellable to take any ^{2 Instit. P. 479.} Oath, but what is warranted by the Common Law, or directed by Statutes: And therefore you shall find always directing Oaths, and enabling Justices of Peace to administer them, as 31 *El. 12.* 2 *Instit. 719.* and infinite others, 27 *El. 12.*
- §. 2. Any one Justice of Peace may compel such as are between the age of fifteen years and threescore, to be sworn to keep the Peace. See the Statute of *Winchester.* 12 *E. 1 cap. 6.* And the Articles of Inquisition upon the said Statute of *Winchester*, made about *Anno 34 E. 1.* ^{Lamb. 160.}
- Peace.*
- §. 3. ' If any person of the age of eighteen years, and under the degree of ^{7 Jac. 6.} a Baron, shall stand and be presented, indicted, or convicted, for not coming to Church, or not receiving the Communion before the Ordinary, or any other having power to take such Presentment or Indictment; or if the Minister, Petty Constable, and Church-wardens, or any two of them, shall complain to any Justice of Peace, near adjoining, to the