

Also it seemeth, that for the second fault, and every other offence whereof such Offender shall be after convicted in form aforesaid, such Offender shall be whipped as aforesaid, without any satisfaction to be taken: *Ibid.*

§. 2.
Officers
neglect.

If any Constable or inferior Officer do refuse, or do not, at the commandment of the Justice (by himself, or some other by him to be appointed) execute upon the Offender the punishment aforesaid, the said Justice of Peace may commit such Constable, &c. to the common Gaol, there to remain without Bail until the said Offender be by the said Constable, or by some other by his procurement whipped, as aforesaid.

But no Justice of Peace shall execute this Statute for any of the offences aforesaid done unto himself, unless he associated and assisted with one or more other Justices of the Peace whom the offence doth not concern.

It seemeth, that any one Justice of Peace (not being the party grieved) may send such Offenders for their second fault, &c. to the House of Correction, as idle and disorderly persons, there to be detained, &c. at the discretion of the said Justice of Peace; and this by force of the Statute 7 Jac. 4. *Especially, if they be common Offenders in this kind; or may bind them to their Good Behaviour, and so over to the next Quarter Sessions, and by order from thence, to be sent to the House of Correction, there to be continued some convenient time.*

But for the gleaning and leaving of the Harvest, &c. God commandeth, that it be left for the Poor, the Fatherless, the Widow, and the Stranger, Levit. 19. 9, & 23. Deut. 22. 24. *And it were worthy the consideration of the Justices to take some course that such only might have the benefit of gleaning, and not Fermors and Tradesmen, that in many places in Harvest time set their Servants to that employment, which is no better than to rob the Poor of what properly belongs to them.*

§. 3. *If any shall by night or day unlawfully break, cut down, cut out or destroy any Head or Dam of any Pond, Pool, Mote, Stagne, Slew or several Pit, wherein Fish are or shall be put, or shall fish therein without authority, and convicted thereof at the Suit of the King or party grieved, shall be imprisoned three months, and pay the party treble damages; and after the three months be bound to the Good Behaviour for seven years with sufficient Sureties, or else continue in Prison for seven years without Bail. For the recovery herein, see tit. Hunting.*

§. 4. *No person without his own Guns shall slay, take or cause to be taken by means of any craft or engine any Herons, unless by Hawking or with Long-bow upon pain to forfeit for every Heron 6 s. 8 d. For the Conviction, see tit. Hunting. See postea tit. Wood.*

And by one Act made 22 & 23 Car. 2. Beer may be transported paying 12 d. per Tun only, which Act is by 29 Car. 2. touching the Additional Excise continued until the end of the first Session of the next Parliament.

C H A P. CII. V. 58.

Tythes.

§. 1. **T**WO Justices of the Peace (the one being of the *Quorum*) upon complaint by any competent Judge of Tythes, for any misdemeanor of the Defendant in a Suit of Tythes (or for other duties of the Church) may cause him to be attached and committed to Ward, there to remain without Bail until he find sufficient Sureties (unto the said Justices) by recognizance to the King's use, to obey the Process and Sentence of that Judge.

Also