

§. 2.  
Definition.

*VIA*, a Way, is defined to be *Transitus à loco in locum*.  
Note That there are three kinds of Ways, *scil.*

Col. 56.

§. 3.  
Kinds.

1. A Foot-way called *Iter*, *quod est jus eundi vel ambulandi hominis*.
2. A Foot-way and Horse way called *Actus*, *ab agendo*; and this vulgarly is called a Pack or Drift way, and is both a Foot-way and Horse-way.
3. The third, a Cart-way, &c. called *Via* or *aditus*, (and containeth the other two; and also a Cart-way,) for this is *Jus eundi, vehendi, & Vehiculum & Jumentum ducendi*: And this is twofold,

*Via Regia* the Kings High way for all Men: 'With this only, The  
*Viz.* } 'Justices of Peace here are to meddle.  
} *Communis Strata*; belonging to a City or Town, or between  
} Neighbours.

'*Minsh.* out of *Ulpian* maketh also three kinds of Ways, *Publicam, Privatam, & Vicinalem*.

'*Via Publica, quam Latini Regiam appellant.*

'*Vicinalis, quæ in vicis est, vel quæ in vicos ducit*: Ways between Street and Street, Neighbour and Neighbour, and House and House in Cities and Towns.

'*Privata est, quam agrariam dicunt*: And these are of two sorts.

'*Vel ea quæ ad agros ducit, per quam omnibus commeari licet.*

'*Vel ea quæ est in agris, cui imposta est servitus, ita ut ad agrum alterius ducat.*

§. 4.  
One Justice.  
Inlarged.

Woods.

Every Justice of Peace may cause the High-ways to Markets 'where  
'any Woods, Bushes, or Ditches be to be enlarged and cleansed of Bushes  
and Trees, (so that there be neither Bush, Ditch, or Tree, within two  
hundred Foot of either side of the Way. The Statute 13 E. 1. excepteth  
Ashes and great Trees; but by the Statute 5 E. 1. all Trees and Bushes there-  
in are to be cut down, &c. And this the Justices of Peace may do by force  
of the Commission, the first *Assignavimus*, (*Lamb.* 190.) But how the  
Justice shall compel the same to be done, I see not, otherwise than by  
admonition; and if they be not obeyed, then to present it, or cause it to  
be presented at the Quarter Sessions, &c. *Vide tit. Commission of the  
Peace.*

13 E. 1. s.  
See postea  
tit. Robbe

Also by the Articles of Inquisition upon the Statute of *Winchester*,  
(made about 34 E. 1.) it is appointed, That if the High-ways be not  
inlarged accordingly, inquiry shall be made where the ways be, who  
ought to enlarge them, and of such as do hinder such Inlargements,  
as well in Parks as in other Woods. See *Poulton's Statutes* at large,  
fol. 93.

§. 5.  
What it is.

The High-way is not only the Common Tract, where Carts, Carriages,  
and People have gone; but if the way be Foundrous, that People cannot  
pass in the Common Tract, and there be Outlets, out of it, into the Soil of  
another adjoining, the People may in such extremity use those Outlets upon  
another's Soil, although it be sown with Corn: And that is, in such case,  
the Kings High-way as well as the other; for the Kings Subjects must have  
a convenient Passage, as was resolved in a Trial at Bar against Sir Henry  
Duncomb. T. 10 Car. Rolls 1 part of Abridgment, fol. 390. Therefore  
where a Way goes through a Mans Land, and the Owner of the Land Fence  
it on both sides, he by so doing hath made himself liable to repair the High-  
way, and keep it passable; and it is not sufficient for him to keep it in as good  
repair, as it was at the time of the Inclosure; for by so doing he hath strait-  
ned the High way.

Every