

5 Eliz. 13.
P. Just. 69.
Com. 11.

Every Justice of Peace (upon his own knowledge) may present in open General Sessions any High-way not sufficiently repaired and amended, within the County and limits of his Commission. § 6. Presentment.

5 Eliz. 13.
Com. 11.

Every Justice of Peace (upon his own knowledge) may present in open General Sessions; any other Default or Offence committed (within the County and limits of his Commission) contrary to the Statutes of 2 & 3 P. & M. 8. & 5 Eliz. cap. 13. concerning the Amendment of High-ways; and every such Presentment shall be of the Force of a Presentment of Twelve men, (*scil.* shall be a good Indictment against the Offenders.) So that upon such Presentment the Justices at the said Sessions may Assess the Fine upon such Offenders, and that in the absence of the party, and without calling them to it by any process (saving to every Offender their lawful Travels.) *Ibidem.*

2 & 3 P. & M. c. 8.
5 Eliz. 13.
29 Eliz. 5.

So that every Justice of Peace may present, as aforesaid, all and every these Defaults following, being all contrary to the said Statutes, &c.

P. 1.

IF the Constables and Churchwardens of every Parish yearly upon the Tuesday or Wednesday in *Easter Week*, do not call together the Parishioners, and do not then also chuse Surveyors, for the amending of High-ways in their Parish leading to Market Towns, according to the Statute, 2 & 3 P. & M. 8. § 7. Surveyors.

The Statute of 14 Car. 2. c. 6. saith, That the Churchwardens and Constables, or Tithingmen of every Parish, Town, Village, or Hamlet, for the time being, shall, &c. Which words are more suitable to the nature of the service, in respect of the persons, by whom Execution shall be. But this Statute, as to this, seems to be repealed by the Statute of 22 Car. 2. For thereby it is said, that the Surveyors, &c. shall be chosen, and nominated by such persons, as by an Act made in the Second and Third years of King Philip and Queen Mary, is appointed upon some day in the same week, that the Feast of the Birth of our Lord, commonly called Christmasts, shall be.

P. 2. P. & M.

2. If six days be not by the Constables and Churchwardens then also appointed for that purpose, and to be before *Midsummer* following. 2 P. & M. & 5 Eliz. Time.

This Clause seems to be repealed by the Statute of 14 Car. 2. c. 6. & 22 Car. 2. for thereby the appointing the days of working, is enjoined to the Surveyors; yet by the Statute of 22 Car. 2. the Execution of all Statutes made for the repair of the High-ways, is enjoined to the Constable also; but it seems that must be taken distributively, viz. that the Constables must do what they are required and authorized by former Statutes, and in like manner the Surveyors.

3. If notice of the said days be not given the Sunday after *Easter* openly in the Church, by the Constables and Churchwardens.

P. 2. 4 Rast.
199 Lam.
459. 2 P.
& M.

4. If every person having in his occupation a Plough-land in Tillage or Pasture in the same Parish, or keeping there a Plough, or a Draught, do not send at every day and place appointed, &c. for every Draught or Plough-land, in Tillage or Pasture, one Cart furnished with necessary Tools, and two able Men with the same; and that they do such works as they shall be appointed (by the Surveyors) by the space of eight hours, every of the said six days. § 8. Workers.

But by the Statute 18 Eliz. 10. he that shall occupy a Plough-land in Tillage or Pasture, lying in several Parishes, shall be chargeable only in the Parish where he dwelleth; and he that occupieth several Plough lands

E 1. f. postea Robbe