

having <sup>power</sup> to sell what they lose by that means li. 45; *fr. j. m. d. for.*  
 Amitt. For it is a Casualty which turns their fields or a part  
 of them into a high way; and the situation of their land Engage  
 them to suffer this Event. But if for the publick Conventions  
 a way were changed to Make it shorter, or to Make a  
 way all together New, it would be necessary to indemnify  
 the particular person for the share of their ground that  
 goes to the Making of this new way, as *Law & Civ. lib. 2. c. 13. 56.*

Private ways are those made for the Conventions  
 of particular persons, and either terminate at one end  
 in the high ways, and at the other end in the Remotest of  
 their own lands to which they lead; or are ferried between  
 Neighbours, one of which had a right of passage thro the  
 lands of the other.

The policy concerning high ways consists in the  
 keeping them in that good Condition they ought to be in  
 for the Convenience of the publick. V. z. that they be proper  
 and of some breadth, that they be timely repaired, and  
 that nothing which may Inconduce the passage be put or  
 thrown therein; and that officers be appointed to take care  
 of the high ways, and direct the Expences thereof.

The Civil law Allows several Interdicts Against  
 the stoppers of high ways *l. 43. ff. de via publica.*

In England a cart way leading to any Market town  
 should be eight foot wide at least, and as over and level  
 as possible, and no horse cartway or cartway for horse  
 travelling upon or in any publick high way <sup>to be</sup>  
 Under three foot in breadth *384 W. & M. cap. 12. § 15. 82. 1. 1. 1.*  
 Justices of peace at their Quarter sessions are  
 Impowered to enlarge and widen any high ways within  
 their bounds eight Yards in Breadth and the Damages  
 of persons Interdicted in the Ground laid into such high  
 ways, and the Accompanie for Making a New Ditch an  
 Inconvenience that side of the high way so enlarged, was to be  
 Assessed by a Jury Impannelled by those Justices, and  
 the Assessment to be levied upon the Inhabitants  
 Owners and Occupiers of land &c. in the places that  
 ought to open these high ways *389 W. 3 cap. 13.*  
 But in Scotland the breadth of high ways to Market  
 town

town is 20 foot at least and such as are larger not to be  
 lessened *Act. 16 Parl. 2. sess. 1. ch. 2.*  
 By the law of England all Injuries what soever to any  
 high way or doing any act which would render less convenient  
 to people, are reckoned publick Nuisances, and punishable  
 by fine and Imprisonment, *Hawkins pl. Cr. lib. 1. Chap. 76. § 48.*  
 Particularly the Drawing of a travelling Carriage with too  
 many horses oxen or other beasts *22 Parl. 2. cap. 12. 6. St. cap. 29.*  
*9. St. cap. 18. 1. §. 1. cap. 1. 5. §. 1. cap. 12.* Which by the excessive loads  
 in such Carriages render the Road Unpassable. Hedges  
 adjoining to the high way are to be kept plumb or per-  
 pendicular, so as no boughs or branches may hang over any part  
 of the high way; and adjacent Ditches gutters or drains  
 to be cleaned or flowied by the possessor of the land  
 for sending the water off the high ways *5 Eliz. cap. 13. 57.*  
*18 Eliz. cap. 10. § 5. 86. 384 W. & M. cap. 12. § 55. 87.* There must  
 be neither Dike tree nor bush whereby any man may hurt  
 to do hurt, within 200 foot of either side of high ways  
 leading from one Market town to another *13 Eliz. 1. ch. 2.*  
 Birch. Trees and bushes are not to be suffered to stand  
 or grow in the high way *5 Eliz. cap. 13. 57. 18 Eliz. cap. 10*  
*§ 5. 384 W. & M. cap. 12. § 6. No stone timber straw dung*  
 or other Matter is to be laid in the high ways whereby  
 the same may be any way obstructed or Annoyed *18*  
*Eliz. cap. 10. 57. 384 W. & M. cap. 12. § 85.* And persons  
 are punishable for taking away things Made use of for the  
 Benefit of high ways *78. 5. W. 3. cap. 29. 57.* By the law of  
 Scotland, stopping or obstructing common high ways to  
 or from free burrows, and to or from any burrows, from  
 and to Neat adjacent sea ports, is punishable as offen-  
 sion; and the offenders may be charged summarily on  
 six days before the Lords of Session (as only Judges  
 there appointed) to hear and see themselves Decerned  
 to have done wrong, and to desist and find surety for  
 that Effect, and or pains to be Modified by their Lord-  
 ships, half to the King and half to the party grieved  
*Act. 53 Parl. 6. L. M. print. act. 156 Parl. 12. J. 6.* Those  
 who abridge the high ways and passages, or Annoy them  
 by casting of Ditches and fushes through them, *Act. 8.*