

94. Par. 16. Breakers or Abusers of high ways by blowing
 laying stone dung or Rubbish, pooling or Damming Water there
 on, are upon Conviction by oath or Witnesses before the Justice
 of peace Act 16. sect. 1. Parl. 2. Ch. 2. finable at their Discretion
 The Labourers of land Neer adjoining to the high ways,
 are reputed to have Done any Damage of that kind,
 Refusing to them to sue the Deed actors for the same before
 the Justice. If Labourers land lying on the side of high
 ways be not fenced with Dike and Ditcher, the Justice
 of peace ought to ^{point} the Labourers of such
 land for four shillings for each acre not so fenced. All which
 fines are to be applied for the use of the high ways
 d. act 16.

Among the Romans the Consuls were the Inspectors
 of the publick ways; and those being Sworted by other
 business, the care was committed to the Aediles Viarii
 -arum Curandarium, in place of whom Praetores viarum
 singularium extra Urbem fuerunt.

In England the care of Making Repairing and
 Maintaining the publick high ways is committed to
 the Justice of peace in the severall Counties, and surveyors
 are yearly named by them, who are directed by ^{and} answerable
 for their Management to the Justice. The way of ap-
 pointing these surveyors is prescribed 38. 4. W. & M. cap.
 12. 53. How they or the Manner how they ^{ought to} execute
 their office, ibid. 58. 22. Par. 2. cap. 12. 512. 5. Eliz. cap. 13
 534. 26. 18. Eliz. cap. 10. 57. 384. W. & M. cap. 12. 512. 5. Eliz.
 cap. 13. 58. 22. Par. 2. cap. 12. 51. 384. W. & M. cap. 12. 59. 6. H.
 cap. 29. 53. By their Common Law the Generall charge
 of Repairing all high ways lies on the Occupiers of the
 lands in the parish where they are. But some particular
 persons are bound to Repair parts of high ways by the
 Tenor of their lands, or in respect of a prescription
 some are by Statute Compellable to work in the
 parts of high ways in their own persons or by others
 28. 3. Ph. & M. cap. 8. 22. Par. 2. cap. 12. 58. 29. 18. Eliz. cap.
 10. 52. 28. 788. W. 3. cap. 29. 55. Others may be assigned to a
 Rate made for Defraying of the Extraordinary charge
 of such Repairs 22. Par. 2. cap. 12. 5. 12. 11. 12. 11. 12. 11.
 384. W. & M. cap. 12. 513. 14. 17. 18.

15. 788. W. 3. cap. 29. 57. some lands have been settled in trust for the
 Repairs of high ways, and the Justice of peace are in their own
 sessions to see that the Rents and profits thereof be Employed
 according to the will of the Donor 22. Par. 2. cap. 12. 52. The Manner
 of proceeding against those charged with any offence relating
 to the high ways, is set forth in the Statutes of 28. 3. Ph. & M.
 cap. 8. 5. Eliz. cap. 13. 58. 9. 10. 18. Eliz. cap. 10. 59. 22. Par. 2. cap. 12. 59. 28
 10. 384. W. & M. cap. 12. 517. 20. 23.

In Scotland the Sheriff of each shire with one of his
 Deputies being an heritor, and the Justice of peace with the
 Commissioners of supply, have the Charge of Making the
 pairing and Upholding high ways, and five of them are a
 quorum for that purpose, Except in the shires of Blackman
 nair Kinross & Brechin, where three are declared a sufficient
 Number to Act. The Sheriff or his Deputy Intimates the
 first Diet of their Meeting yearly at each parish Church
 upon the preceding Sunday under the pain of 500 Marks.
 And the penalty of each days absence from the Meeting is
 20 Marks, to be applied for Repairing high ways and
 Bridges Act 8. sect. 2. Parl. 7. The Sheriff and Justice of
 peace &c. are empowered at any time, feed lime and har
 west Excepted, to cause tenants, within their bounds bring
 horses carts flades and other instruments necessary for
 Repairing the high ways, and to Appoint Wages for their
 service and Attendance, so be their work days for man
 and horse do not Exceed the Number of four days yearly,
 and to provide for each mans absence from the work to the
 Value of 20 shillings, and for absence of man and horse
 30 shillings, and to Appraise the same upon the ground of
 the lands, and then with to hire others; and to punish the
 Absents personally if they have not pounceable goods. They
 may take money from those who are liable to work at
 the high ways, but by reason of their Distances cannot
 attend, Viz. five shillings yearly for each man and 12 shil
 lings for each horse, to be Expended in other to work
 in their place. Heritors in burgh and landwart in each shire
 are required to Meet at the head burgh the first Tuesday
 of June yearly, and to spend themselves if Needsfull, not
 exceeding ten shillings on the 100 pound of Valued Rent
 for the use of Repairing the high ways Act 16. sect. 1. 17. 18.