The Recognizance given for keeping the peace must be certified sent or brought to the next Sessions of the peace, and if the party bound fail to appear there his default is recorded 3 H. 7. H. 2.

A Recognizance for the peace may be forfeited by any actual Violence to the person of another whether it be done by the party himself, or by others thro' his procurement, as manslaughter Robbery unlawful Imprisonment, assaulting, beating, wounding &c, and also by words directly tending to a Breach of the peace, as by challenging one to fight, or in his presence threatning to beat him. But threating mischief to one in his absence is no Breach of the peace pulton de pace 22. a. Hawkins pl. Cr. Lib. 1 Ch. 60 §20. & 21.

A Bond to keep the peace is not forfeited by bare words of Scold & chider, as the calling a man Knave, Teller of lies, Rascal, Drunkard. Hawkins ibid. §22.

For tho' such words may provoke a choleric man to break the peace, yet they do not directly challenge him to it, nor doth it appear that the speaker designed to carry his Resentment any further.

There are some actual assaults upon the person of another which do not amount to a forfeiture of such a Recognizance; as if an officer having a warrant to arrest one being resisted, wounds or Beat him in the attempt to take him; or if a man forces a sword from and who offers to kill another therewith; or Beat or wound another in self defence, for tho he made use of an unlawful weapon. A Bond to keep the peace is not forfeited by moderate chastisement of a child under age by his parent, of a servant or Apprentice by his master, a Scholar, or Stroller by his Schoolmaster, or Keeper, of a lunatic person by his Keeper, or of an unlawful wife by her Husband; or by ones confining a friend who is mad, and beating and beating him in such a manner as is proper in such circumstances. Hawkins ibid. §23.

For such as have a natural or civil power over others, are allowed to chastise them in a reasonable manner for their offences.

No Recognizance of the peace is forfeited by a mere trespass on another's Lands or Goods, unless it be accompanied with some violence to the person. Hawkins ibid. §25.

A Recognizance for the good behaviour is not only forfeited by such actual Breaches of the peace, for which a Recognizance for the peace shall be forfeited, but also by some others for which such a Recognizance cannot be forfeited; as by going armed with great numbers to the Terror of the people, or speaking words tending to sedition, and also by all such actual misbehaviours as are intended to be prevented by such a Recognizance, but not by barely giving cause of suspicion of what perhaps may never actually happen, pulton de pace 22. a. Hawkins ibid. Ch. 61 §6.

A Recognizance for the peace or good behaviour may be discharged by the demise of the King, or death of the principal party bound thereby, if it was not forfeited before. But may not be discharged as some would have it (pulton de pace 21. b.

By the party at whose complaint it was taken, the Release being certified with it at the next Sessions of the peace, because the Recognizance is not granted to the complainer but to the King: However such a Release by the complainer, or his non-appearance may be to pray the continuance of the Recognizance will be a good Inducement to the Court to which such a Recognizance is certified, to discharge it. Hawkins pl. Cr. Lib. 2. Ch. 60 §17.

The King cannot pardon or release such a Recognizance before it is broken because the party at whose complaint it was taken has a kind of Interest in it. But after the Recognizance is forfeited, and thereby a debt due to the King, his majesty may release and pardon the forfeiture. pulton de pace, 21. b. 22. a. Hawkins ibid.

N. L. The policy concerning high ways consists in keeping them in that good condition they ought to be in for the convenience of the publick. viz. that they be preserved of a due Breadth, that they be timously Repaired, and that nothing which may incommode the passage be put or thrown therein; and that officers be appointed to take care of the high ways, and direct the Expences thereof.

to be taken up with the other

Among the Romans the cares were the Inspectors of the publick ways; and those being discharged by other Business, the care was committed to the quatuor viri viarum curandarum, in place of whom curatores viarum singularum extra urbem succeeded.

In England a cart way leading to any market Town should be eight foot wide at least, and as often & level as possible and no Horse causey or causey for horses to travelling upon, or in any publick high way should be under three foot in Breadth 3 & 4 W. & M. ch. 12 § 15 & 21. And also Justices of peace at their Quarter sessions are impowered to inlarge and widen any high ways within their Bounds eight yards in Breadth, & the damages of persons interested in the Ground laid into said highways, and the Recompence for making a new ditch and fence to that side of the high way so inlarged are to be assessed by a Jury impannelled by those Justices, and the Assessment to be levied upon the Inhabitants owners and occupiers of Lands &c. in the places that ought to Repair those highways 3 & 4 W. 3. ch. 15.

In Scotland the Breadth of high ways to market Towns is twenty foot at least, and as much larger not to be exceeded act. 16 par. 2. 1535. 1. Ch. 2.

The civil Law allows several Interdicts against the Stoppers of high ways l. 43 ff. de via publica.

By the Law of England all Injuries whatsoever to any highway or doing any act which will render it less commodious to people are reckoned publick Nusances, and punishable by Fine and Imprisonment Hawkins pl. Cr. Lib. 1. Ch. 76. §98.

particularly the drawing of a Cumbersome carriage with too many Horses oxen or other Beasts 22 Car. 2 ch. 12. 6. A. ch. 7. 1 Geo. 1 ch. 5. Geo. 1. ch. 12. which by the excessive loads in such carriages render the Roads impassable. Hedges adjoining to the highway are to be kept plashed or pruned, so as no Boughs or Branches may hang over any part of the highway; and adjacent gutters or Drains to be cleansed or scoured by the possessors of the Lands for leading the water off the high ways 5 Eliz. 13 § 7. 18 Eliz. 10. § 5. & 6. 3 & 4 W. & M. 12 § 5 & 7. There must be neither dike bush nor Bush whereby any man may Lurk to do hurt within 200 foot of either side of high ways leading from one market Town to another 13 Edw. 1 St. 2. Trench. Trees and Bushes are not to be suffered to stand or grow in the high way 5 Eliz. 13 § 7. 18 Eliz. 10 § 5. 3 & 4 W. & M. 12. § 6. No Stone Timber Straw Dung or other Matter is to be laid in high ways whereby the same may be any ways obstructed or annoyed 18 Eliz. 10 § 7. 3 & 4 W. & M. 12. § 5. And persons are punishable for taking away Things made use of for the Benefit of high ways 7 & 8 W. 3 ch. 29 § 7.

By our Law, Stopping or obstructing common high ways to or from free Burrows and to or from Burrows from and to next adjacent sea ports is punishable as oppression, and the offenders may be charged summarily on six days before the Lords of Session (as only Judges there appointed) to hear & see themselves decerned to make done wrong, and to desist & find surety for that effect under pains to be modified by their Lordships half to the King & half to the party grieved act 53 par. 6. Q. M. junct. act 156 par. 12 J. 6. Those who abridge the high ways and passages, or annoy them by casting of Ditches and Fosses through them act. 8 § 8 par. 22 J. 6. Breakers or abusers of high ways by plowing laying Stones Dung or Rubbish pooling or damming water thereon are upon conviction by oath or witness before the Justices of peace to relieve the said Highways act. 16 par. 2. 1555. 1 Ch. 2. & unable all their diversion and Labourers of Land next adjoining to the high ways are compelled to make done any damage of that kind, according to them to put the Road before the Justices. If Laboured Land lying on the sides of high ways be not fenced with dike and Dike or Hedge the Justices of peace ought to point the Labourers of such Land for four shillings for each Ell not so Fenced. All which Fines are to be applied for the use of the high ways d. Act 16.