Constable cannot after a fray or Riot is over arrest the persons guilty without warrand from a Justice of peace; Unless some person is Dangerously wounded therein. Hale Hist. placit. Cor. vol. 2 pag. 88 et seqq.

Justices of peace under the Degree of a Lord of Session are allowed 20 shillings per diem for their Attendance at the sessions (not Exceeding three days at one time) to be paid by the Collector of the fines. And these who have this allowance, are liable to the penalty of 40 pound for absence not Excused from every ordinary quarter sessions, or from other Meetings when lawfully Required to assist thereat act 38 Parl. 1 sess. 1 Ch. 2. Clerks of the peace and Constables are also paid for their labours out of the fines. Where these fall short, the Barons of Exchequer are to see to their payment, and the over plus of fines, if any be, after payments aforesaid to the Justices, their Clerk and Constables, ought to be brought in to the Exchequer.

The Commission of the peace assigns them, and every one of them Jointly and severally the Kings Justices to keep the peace in such a County, and to cause to be kept all Statutes made for the good of the peace, and quiet government of the people; as well within Liberties, as without, and to punish all them that shall offend against any of the said Statutes; and to cause all those come before them, or some of them, who shall threaten any of the people as to their persons, or the burning of their houses, in order to Compell them to find surety for the peace or good Behaviour; and if they Refuse to find Surety, to Commit them to prison, and cause them to be safely kept there till they find it. Then it goes on, and assigns them, and every two or More of them (of which Number such or such a particular person Among them especially Required to be) Justices to Enquire of hear and Determine all felonies, witchcrafts, Inchantments, Magical arts, sorceries, forestalling, Regrating, Engrossing, Extortion, Conventicles, the abuse

The other or one of the Justices of Assize in the county, and our Justices of peace are here up by their Instructions from discussing difficult matters, without the presence of one of the Lords of Justiciary, or one of the circuit Judges as assessor.

of weights or Measures; trespasses, that is, personal wrongs, or open Violence, that Disturb the peace, or offences that have a Direct and Immediate tendency to cause breaches of the peace, as libels, and the like; the Misbehaviours, Remisness or Negligence of sheriffs, Stewarts, Baillies, Constables, keepers of prisons, and others in their offices; Conform to the law of Scotland: provided, that in case of Difficulty they proceed not to give Judgement, except in the presence of one of the Lords of Justiciary, or one of them holding a Circuit in the County: And Regularly the King may by his Commission Authorize whom he pleases to execute an act of Parliament, Hawkins pl. Cr. lib. 2 chap. 8 § 28. Tho felonies be within the Commission of the peace, it is Generally thought advisible for Justices of peace, to proceed no further in Relation to Capital Crimes, than to Examine and Commit the offenders, take the Information of all those who can give Material evidence against them; and bind the Informers over to the Court of Justiciary, and Certify their proceedings to that Court. Hawkins ibid. § 33. Justices of peace have also Authority to proceed the same way in Relation to Treason, præmunire, and Misprision of treason, tho not within the letter of the Commission; because they are against the peace of the King and of the Realm Hawkins ibid. § 34. But they have Jurisdiction of all other Crimes not Capital within their Commission, whether those crimes be Mentioned in any Statute Concerning them or Not; for that all such Crimes are either Directly, or at least by Consequence, and in the Judgement of law, against the peace. Hawkins ibid. § 39.

The Justices of peace hold Cognizance also of pleas upon many penal Statutes, by an Express power given them by such Statutes. It were Endless to Enumerate all the offences falling under their Jurisdiction by Statutes, which are Numerous. Such are Riots, Breaches of the peace, the being sturdy Beggars, Vagabonds or Egyptians Resetting them, letting out houses to them wrongin