

Wronging the high ways, or refusing to Concur to Mend  
 them, cutting and Destroying of Green wood, planting, Orchard,  
 Gardens, hainings; breaking of Bees houses, and Cunningsors,  
 or Coney warrens; stealing of Bees or hives; offences Against  
 the laws for preserving the game of hunting and hawking  
 and for preserving the Breeds of Fishes; the Making  
 Mair burn and Moss burn, and other Common Nuisances;  
 Contravening their orders about what is fit to be done  
 in the time of a plague; Drunkenness, or haunting of Ga  
 vorous or ale houses after ten a Clock at Night; Dis  
 pising church Consecrations; Cursing and swearing, or Mock  
 ing of piety; fornication; profanation of the Lords day  
 offences relating to the Kings Customs and excise; the  
 lawfull Gaming; burying in any other thing than Woolle  
 cloath; offences Committed by Masters, servants, and App  
 prentices against one another act 28 Parl. 22 J. 6. act 30  
 Joff. 1 Parl. 1 Ph. 2 and many other Statutes Concerning  
 the Duty and powers of Justices of peace in particular  
 Matters, which it were tedious to set down. In short  
 Justices of peace in Scotland are further Authorized  
 to do, use and Exercise over all persons within their ju  
 riscal bounds, what ever pertains to the office of a Jus  
 tice of peace, by virtue of laws and acts of Parliament  
 made in England before the Union of the two Nations  
 in Relation to the publick peace &c. cap. 6 and by the  
 laws of great Britain since the Union: over and Above  
 the powers and Authorities they are vested with by  
 the laws of Scotland.

Justices of peace Exercise their Authority partly  
 in Sessions and partly out of Sessions.  
 Any Justice may bind persons to the peace or good Beha  
 vior. The how or in what cases that is done, hath been already  
 Explained, see Supra page 261, 262. One Justice may raise the posse  
 Comitatus the power of the County for seizing and Impr  
 isoning Capital offenders, and such as Break or go About  
 to Disturb the Kings peace, and for suppressing Riots.  
 In England the power of the County implies the Jus

The power of the Justice of the Peace is a double power; one upon the person, another upon the thing.

assistance of all Knights, Gentlemen, Yeomen, Labourers,  
 Trades men, servants, apprentices and all others above the  
 age of 15 except Women Ecclesiasticks and Deceitful or Dis  
 bled persons unable to travel.  
 But in Scotland all betwixt 60 and 16 are reckoned. the  
 power of the County Stat. R. Will. cap. 23 act 56 Parl. 13  
 J. 2 act 26 Joff. 3 Parl. 1 Ph. 2. When a Justice of peace raises  
 the power of the County, it is referred to his Discretion what  
 Number of assistants he will have, and how Armed, Lambert  
 lib. 3 cap. 1. Dalton cap. 130. But a Justice of peace cannot de  
 tain a suspected person longer than he can conveniently  
 examine him, for which the law of England allows three  
 days Bro. Eliz. 829. 830. Nor can a Justice of peace discontinue  
 to himself 43 Eliz. cap. 7: tho he may cause Apprehensions such  
 as Attack or Defeat him in the Execution of his office, till  
 they find fault for the peace; and an Indictment will lie  
 against the offenders. Matters of small Moment, some  
 preliminaries of greater, Judon Accidents whereby the  
 peace is broken, or which have a tendency to the infracti  
 on or Disturbance thereof, may be tried out of Sessions by  
 private Justices, supposed to be ready at hand, because the  
 case might perhaps be past remedy before a session could  
 be summoned. But these lay in several cases, an Appeal  
 to the session from what is done by private Justices, whose  
 wrong steps may be got Rectified at the session. For the  
 Justices of peace <sup>single</sup> ~~conferre~~ conferre peace, qui in se Juriscon  
 non habent Imperium; Yet a solemn Meeting of them  
 in a body at the quarter session is a superior court, to  
 which private Justices must Answer, and Account for  
 what they do by themselves in their Inferior Capacity  
 out of sessions.

Affairs of higher consequence require to be heard  
 and Determined at the session in figura Jura. What  
 done at special sessions, ought to be Returned and Certified  
 in the general quarter session Styl. 360. But the Court  
 of sessions hath no Authority to remove a Justice of peace  
 for his non attendance at any such court: because the pu  
 nishment of persons in a judicial office in Relation to  
 their behaviour in that office, ought to be referred to other  
 Judges.