

Judges of a superior station, rather than to those of the same Rank with themselves Hawkins pl. Cr. lib. 2 chap. 5 § 46.

From the express Authority given to the Justices of a County by their Commission, as well within Liberties as without; it seems to follow, that they may Execute their office within a town, which had a special Commission of the peace for its own limits, unless such a special Commission had a clause, that no other Justices, except those named in it, shall any ways Concern them selves in the keeping of the peace within the Liberties of such a town, and that restraining Clause be Notified to the Justices of the County: who otherwise seem to be Under no Necessity of Informing themselves of the Contents of a Commission which they have no thing to do with. But the where Justices for the County, having Express notice given them of such an Exclusive privilege in a town Charter or Commission of the peace, proceed to Act within such town in defiance of it, may perhaps be punished for their Contempt of the Kings prohibition: Yet it may be questioned, whether their acts within such town be void after the Commission for the County seems as fully to give those named in it a Jurisdiction over all such towns within the Provinces of it, as such Commission for a town doth Exclude them Hawkins § 29. Whatever be in this, no Justice of peace of any County, can Exercise his Authority without the County, where he hath no Coercive power: tho' it is said, that recognizances and Informations voluntarily taken before them in any place are good Hawkins ibid. § 28. Where a parish lyeth in Different Counties, or partly within the Liberties of any city having their proper Justices and partly without: then the respective Justices are confined to Act only within that part their proper bounds extend to, Dalton country Justices chap. 6. But a Justice of peace for any County at large, who dwells in a town that is a county of it self, situated within the County at large, for which he is appointed a Justice, tho' not within

Hals. Hist. pl. Cr. lib. 2. pag. 47.

in the same county, may grant warrants, take Examinations, and Make orders for Matters which any one Justice may Act in at his own dwelling house, tho' he be out of the County where he is authorized to Act as a Justice of peace, and in some city or precinct adjoining that is a County of it self: provided, that Justices or peace officers of the County at large, shall not be lawfully empowered to Act or Intermeddle in any Matter arising within such cities or towns which are counties of themselves 9 G. 1. cap. 7 § 3.

About the English Justices of peace powers be Communicated to our Justices of peace in Scotland: yet the Methods of Trial and Judgement in the sessions of the peace here must be according to the laws and Customs of Scotland 6. In England considerable Matters of fact are tried before the Justices of peace by a Jury, who may find a thing proved by one witness if the statute doth Expressly sustain the testimony of one Dalton chap. 115 and sometimes without witnesses Dalton ibid. Just. Criminals as they find guilty and usually committed to prison by the Justices, to be tried at the next assizes, when the Judges go their circuits. At which assizes all the Justices of peace are bound to be present to attend the Judges: who may fine them for absence without a lawful excuse. But Justices of peace are authorized by Statutes there to hear and determine many causes of lesser Moment upon their own view the offenders Confession or proof by witnesses Dalton ibid. either expressly or tacitly by referring the trial to their Discretion Dalton ibid. Justices of peace in Scotland advise proof without Juries: and may sustain proof by word or oath of party; or present de Jure, that is by all the means that law allows, viz. writ witnesses or oath of party. All but Commonly no person can be taken as Confessed except personally apprehended, lest men should in a cruelly be drawn into fines by Citations at their dwelling houses: yet Justices of peace may punish and fine an offender as taken Confessed upon a second citation