

Citation at his dwelling house the not personally Approve
 Act 38 Parl; 1st. 1 Ch. 2 because the subject of Contro
 versie in Justices of peace courts is Commonly but for a
 they and other superior Magistrates may take security
 for the good behav^{our}, in keeping the peace, or Imprison
 in order to trial, for Indignities done to themselves, or
 Disobedience to Church Benefices, or for Riots, or for being
 found in tumults, or for Drunkenness, or may Imprison Vaga
 bonds or sturdy beggars; without a warrant in word Ex
 pressing the particular cause, and proceeding upon a sufficient
 information: the person Imprisoned having always
 Relief by offering Bail and Demanding a trial Act 6th 1
 889 Parl. 1st W. But Justices of peace can bail no pris
 oner Except such as is Committed for Offences they are
 Competent Judges of. Hawkland pl. 1st lib. 2 chap. 15 § 62

The Iniquity of any ^{Interlocutor of} Justices of peace
 may be Corrected by a vocation Suspension or Rescission
 before the Lord of Session or the Court of Justiciary the
 practice, according as the cause is Civil or Criminal.
 Thus a suit against one before the Justices of peace
 of Edinburgh as guilty of suborning witnesses, and En
 deavouring by promises and threatnings to induce several
 persons to depose falsely against another, was Rescinded
 from the Justices of peace to the court of Justiciary 12
 June 1710 Charles Hay. But in Excise Matters and the
 Destroying Spoiling or carrying away wood or trees or throw
 down their Galesfires, a sentence of two or more Justices of
 peace found to be final 12 Parl. 2 cap. 23 § 31 & 36 cap. 24
 545 & 49. 1 G. 1 cap. 48 § 28 3. joint. 6 G. 1 cap. 16 § 52.

The Authority of Justices of peace in Scotland with
 Respect to Crimes, is not only Jurisdiction so far as their
 Jurisdiction extends, regulated by the Commission of the
 peace and Particular Statutes: but also it is in some
 cases Ministerial. Thus a Party is taken up and Infor
 mation Exhibited against Delinquents to be tried
 in the Circuit court by Justices of peace, by profer
 ments at their quarter sessions, or by two of them at

least on the 21 days of July and february yearly, being law
 full days, or upon the next lawful day thereafter. Which
 information signed by two of the Justices of peace, and
 their Clerk, are to be transmitted by the said Clerk
 to the Clerk of the court of Justiciary at Edinburgh
 at least 40 days before holding the respective Circuit
 courts. 8 A. cap. 16 § 4. The Justices of peace who make
 Proferments in order to trials before the Circuit, may
 depu^{te} one of their Number to attend there in place of
 the whole ibid. § 2. Justices of peace also by taking proce
 dition of Capital Crimes, committing the offenders to pri
 son, and binding over the Informers to the court of Justi
 ciary, make preparatory work in order to a trial before
 that Court Act 38 Parl; 1st Ch. 2 persons ordained by proferment to be tried must
 be bound over to the court of Justiciary in the Quarter Sessions of the peace

the law favours a Justice of peace in the Exercise
 of his office: so he is punishable for irregularities;
 such as taking bribes compounding Recognizances, and
 not returning them to the sessions; and applying
 fines to his own use. In some cases Justices of peace are
 punishable by the Lord of Session for refusing to do
 their Duty Act 13 Parl. 1st W. and formal vowing
 in their office may be tried and punished by the Court
 of Justiciary 17 January 1709 for John Barragey of Pittarro
 & Mr John Arbuthnot of Gordon.

A temporary Commission of the peace is Revocable
 by the King, or Determinable by his Death, or by his
 granting a New Commission. And the power of a Parti
 cular Justice is also Determined by the Absorption of ano
 ther Incompatible office, as by his being made Sheriff
 of the same County, 1 Mar. Parl. 2 cap. 6. But no suit be
 fore any Justice of peace, is discontinued by a New
 Commission of the peace; but stands in force, and
 subsequent Justices may proceed upon Proferments taken
 before their predecessors 11 R. 6 cap. 6. 1 Ed. 6 cap. 1
 56. Hawkland pl. 1st lib. 2 chap. 6 § 31