

on, but only where both the Law permitteth, and the Present case requireth.

In all cases therefore where the Statutes do refer the Trial of Offenders (or hearing, and determining of Offences) to the discretion of the Justice or Justices of Peace, out of Sessions, it is very requisite, that upon such Trial or hearing, the said Justices take due examination (of the Offenders themselves, and also of credible Witnesses) as well concerning the Fact it self as the Circumstances thereof; and upon Confession, or other due Proof of the Offence, then to proceed according to the Law and Justice.

But not to denounce or give Sentence before the party be cited, and heard to answer for himself: For this Defence is allowed by Gods Law. *Gen. 3. 9. Adam, Where art thou? and Gen. 4. 9. where is thy brother Abel? And in the case of the five Cities, I will go down and see, Gen. 18. 21.*

Note, That in all Cases where the Statute referreth the Trial, &c. to the discretion of the Justices, the said Statutes themselves seem also to enable the said Justices of Peace to take the Examination of Witnesses, and that upon an Oath, *vide tit.* hear and determine.

Note farther, That the Justices of Peace, out of their Sessions, are now armed with far more ample Authority and Power than the ancient Conservators of the Peace were: For the Justices of Peace have double Power given them; the one of Jurisdiction, to convene the Offenders before them (by their Warrant,) and (in divers cases out of their Sessions) to examine, hear and determine the Cause; the other of Coercion, (*sc.* after the Cause heard) to constrain them to the obedience and observance of their Order and Decree (which notwithstanding must be according to the Rules of Law and Justice, as is aforesaid:) whereas the ancient Conservators of the Peace had no Jurisdiction or Authority at all, either to convene the Offender before them; or to examine, hear or determine the Cause; but had only Coercion, Prehension, (or punishment of an Offender) in some few cases, as you may see before, *chap. 1.*

§. 7. And here I must farther put the Justices of Peace in mind, that their Authority and Power is limited, to be by them exercised only within the County or Counties where they be in Commission; and yet in that or those County or Counties the Justices of Peace of the County must not intermeddle in any City there, which is a County of it self, nor in any City or Corporate Town there (though it be no County of it self, but within the County which have their proper Justices of Peace, within themselves be the Kings Charter or Commission, especially if in such Charter there be any special words of Prohibition, that the Justices of the Shire *non se intramittant*, &c.) except such County Justice shall also be in Commission in such City or Town Corporate.

20 H. 7. 6. 7. But in other Corporate Towns which have not their proper Justices of Crom. ib. Peace, as also in all Liberties and Franchises (within the County) which have the return of the Writs, but have not their proper Justices, there the Justices of the Peace of the County ought to execute their Authority, and that by the words of their Commission:

Again, if a Parish shall extend into two or more Counties, or if part thereof shall lie within the Liberties of any City or Town Corporate (which have their proper Justices) and Part without; then as well the Justices of the Peace of every County, as also the Justices (or Officers) of such City or Town Corporate, shall intermeddle only within their own proper and distinct limits and bounds, (*sc.* within so much of the said Parish, &c. as lieth within their several liberties and limits) and not invade or deal in other Jurisdictions: for it shall be against Law and Reason, where

Pl. 37.

Lam. 48.
19.
Cromp. 8.
& 181.

20 H. 7. 6. 7.
Crom. ib.

See *lit. tit.*
Poor.

Have no
authority
out of their
County,
nor in cor-
porations.