

*Ad Pacem conservandam*, &c. or, *Ad inquirendum tantum*, this is a good Grant: But if the Grant be made, *Ad audiendum & terminandum*, this is a void Grant, (*ut dicitur*) unless some one learned in the Laws of this Realm be also joyned with the other in the Commission; and then such a Commission made *Ad audiendum & terminandum* is good in Law. For in all cases where the Commission or Grant is *Ad audiendum & terminandum*, it is meet that some, or one of them at the least, should be learned in the Laws of this Realm. See the Statutes 18 E. 3. cap. 2. & 13 R. 2. cap. 7. & 17 R. 2. cap. 10.

§. 7. 3. The third sort of Justices of Peace are by Commission (made of common course under the Great Seal of *England*;) and these are appointed by the discretion of the Lord Chancellor, or Lord-Keeper of the Great Seal. And yet the Justices of Peace within the County Palatine of *Lancaster* are to be made by Commission under the Seal of the same Duchy, by the Statute 27 H. 8. cap. 24.

§. 8. But these Commissioners of the Peace their Authority doth determine by divers means, yet more usually by three means.

First, By the Death of the King, or by his Resignation of his Crown: For by the Commission he maketh them *Justiciarios nostros*, so that he being once dead, or having given over his Crown, they are no more his Justices, and the Justices of the next Prince they cannot be, unless it shall please him afterwards so to make them. *Lamb. 71. Dyer 165. a.*

“After the death of of a King of *England*, his Successor by Proclamation signifies, that all in Judicial places, as Justices of Peace, &c. shall continue and exercise their Offices, yet it is not safe for them to act without a new Commission, as was done 1 *Ca. primi* touching the Justices at *Westminster*. *Cro 1. cap. 1.*”

2. At the King's pleasure, and that in two sorts.

§. 9. 1. Either by the King's pleasure expressed, (as the King in express words may discharge them by his Writ under the Great Seal) or by *Supersedeas*: but the *Supersedeas* doth but suspend their Authority, which may be revived by a *Procedendo*.

2. Or by Implication; (as by making other Commissioners of the same kind, and within the same limits, leaving out the ancient Commissioners names.) 10 E. 4. 7. & 3 *M. r. 1.*

But here the ancient Commissioners must have knowledge of such new Commission: for this determination of the old Commission groweth not immediately by making the new Commission, but either by giving special notice of the new Commission unto the old Commissioners; or else by and after the reading (or proclaiming) of the new Commission at the Assizes, Sessions of the Peace, or at the full County; or else by holding of some open Sessions by virtue of the new Commission,) in which two last cases the old Commissioners must take notice of the New Commission: And in all these cases, if the ancient Commissioners do sit by virtue of their ancient Commission, and after such notice or publishing of the new Commission, all, whatsoever such ancient Commissioners shall so do, is void: And contrariwise, until such notice or publishing of the new Commission, whatsoever mean acts such ancient Commissioners shall do, by virtue of their ancient Commission, are good in Law. See 34 *Ass. 8. B. cap. 14.*

Also in all places where any ancient Commission of the Peace is determined by a new, yet no Process or Suit depending before the old Commissioners shall be discontinued thereby; neither shall any other thing done by the Justices of Peace by force of their ancient Commission be made or become void thereby.