

two Justices of the Peace (or more, the one being of the *Quorum*) in these five things following:

1. To enquire (by a Jury) of all Offences mentioned within the Commission.

2. To take and view all Indictments or Presentments of the Jury.

3. To grant out Process against the Offenders, thereby to cause them to come and answer.

4. To hear and try all such Offences (upon any former or future Indictments taken before themselves, or before any other Justices of the Peace) after the Offenders be come in.

5. To determine thereof, by giving Judgment, and inflicting Punishment upon the Offenders according to the Laws and Statutes; to wit, by Fine, Imprisonment, or otherwise according to Law: But not to award any Recompence to the party wronged, otherwise than by persuasion.

But all the business included within the second *Assignavimus* belongeth to the Sessions of the Peace; and therefore I leave here to write any farther thereof.

§. 6. Note also, That there are divers *Statutes* which be not specified within the Commission, and yet are committed to the charge and care of the Justices of Peace; but all such *Statutes* which do give expressly any power or authority to the Justices of the Peace, are to them a sufficient Warrant and Commission of themselves, although they be not recited in the Commission; and all such *Statutes* are also to be executed by them, according as the same *Statutes* themselves do severally prescribe and set down.

And for that most of the business and practice of the Justices of Peace doth consist and lie in the Execution of such *Statutes* as are committed to their charge (whether they be specified in the Commission, or not specified there) the numbers of which *Statutes* are exceedingly increased of late years, to the over-burthening of all the Justices of Peace; and (the rather) to give some little help to such Justices of Peace who (being destitute of the assistance of such as are learned in the Laws) are daily to administer Justice, and to execute their Office at home, and out of their Sessions; I have, for their better ease herein, endeavoured (in this Treatise) to set down more orderly and particularly the several parts and branches of every such *Statute* by it self, under their proper Titles, with farther referents to the *Statutes* themselves at large, or to the Abridgments.

## C H A P. VI.

§. 1.  
Their  
Power.

THE Power and Authority of the Justices of Peace (as well given them by the said Commission as by the *Statutes*) is in some cases Ministerial or Regular, and limited as a Minister only, and in some other cases judicial or absolute, and as a Judge.

Ministerial, when he is thereunto commanded by an higher Authority.

As upon { A *Supplicavit*, out of the Chancery or Kings Bench, for the taking of Surety for the Peace, or Good Behaviour. See hereof, *tit. Surety for the Peace*.

{ A Writ upon the Statute of *Northampton*, upon a Forcible Entry. See hereof *tit. Forcible Entry*.

In the Execution of which two Writs, the Justice of Peace may proceed no farther, or otherwise, than he is authorized by such Writ; and is also to return the Writ, and to certify his doings therein, into the Court whence the Writ came.

So