

Offender to the Good Behaviour, and so to appear at the next Sessions, if the said Justice shall see any just cause so to do. But one Justice of Peace alone may not in any wise meddle to hear and determine the same.

Also when things by Statute are appropriated to some one certain Justice or more, there such Justice or Justices are to pursue such their Authority accordingly: and yet if such Justice or Justices shall thereinjoyn with any other Justice of the same County, it may seem no less lawful and warrantable; *tamen quære, & vide c. 11. 92.* Where an Authority is given to four, or to one of them; if two of them shall execute this, it seems they have not pursued their Authority. So if an Authority be given to three *conjunctim & divisim*, if two of them do it in the absence of the third, it is void, *Dyer 62.* for that the Authority is not pursued. *But Co. L. 18 r. b. taketh a difference where the thing is pro bono publico, and where pro privato; as if a Sheriff upon a capias maketh his Warrant to 4 or 3 joyntly or severally to arrest the Defendant, two of them may arrest him, for that it is for the Execution of Justice, which is pro bono publico, and therefore shall be more favourably expounded than when it is only for private.*

§. 9. Besides, there seemeth a general Rule to be put in *Stradling's Case* (in *M. Plo.*) That when a thing is appointed by any Statute to be done by or before one person certain, that such thing cannot be done by or before any other, but that it ought to be done as the Statute hath appointed; and by such express designation of one (or power given to one) certain person, all others are excluded.

And yet whereas by the Statute of 18 *Eliz.* the order to be taken for a Bastard Child is appropriated to two Justices of Peace (one being of the *Quorum*) in or next unto the Parish where such Child shall be born; if two such Justices cannot agree upon the reputed Father (or in making such Order as the Statute requireth, or in other Execution of that Statute) *Quære* what is to be done. I have known the Case lately moved to the Judges of Assize, who thought it fit, that such difference between the two Justices of Peace should be referred to the hearing of the whole Bench, and the matter to be re-examined by them; and what order should be therein set down by the Bench, the same to stand good. *Vide tit. Bastard.*

But in such things appropriate to some or one more Justices of the Peace, if, without such Justice or Justices, all (or any of) the residue of the Justices of that County shall intermeddle therein, such their doings seem no ways warrantable, but such their proceeding to be *Coram non Judice*, and that there is no necessity to obey therein, as being no lawful Judges of the Cause.

C H A P. VII.

The Authority of Justices of Peace, as well in as out of Sessions touching Ale-houses.

§. 1. *Inns and Ale-houses their use.* THE true and principal use of Inns, Ale-houses, and Victualling-houses, is two-fold; *sc.* either for the Receipt, Relief, and Lodging of wayfaring people travelling from place to place about their necessary business, or for the necessary supply of the wants of such poor persons as are not able by greater quantities to make their provision of Victuals: and is not meant for entertainment and harbouring of lewd or idle people, to spend or consume their money or time there, (as appeareth by the Preamble of the Statute made 1 *Jac. Reg. c. 9.*)

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