

Townsmen or Strangers tipling in Alehouses, &c. contrary to the Statute;  
4 Jac.c.5. *Ibid.*

Persons not repairing every Sunday to Church, they may be convicted upon the Oath of one Witness. *Vide antea tit. Recusants.*

Profane Swearers or Cursers. *Hic antea tit. Swearing.*

Transporters of Corn, &c. *Vide antea tit. Transportation.*

Trespassers in Corn, Orchards or Woods, &c. they also may be convicted upon the Oath of one Witness. *Vide antea tit. Trespass.*

And yet here, and in all cases of conviction upon the Oath of Witnesses, the offender himself must also be heard to speak, and be examined by the Justice of Peace, &c. or else it is no lawful conviction. See *hic cap. 6, & 7.* & *hic infr.*

4. Where one Justice of Peace may punish Offenders as convict upon examination generally, the Statutes not shewing what persons shall be examined; in which cases it seemeth the Justice of Peace may thereupon examine as well the Offenders themselves as other Witnesses.

The defaults of the Collectors of the Sheriffs Amerciaments; as also of Bailiffs of Hundreds. *Vide antea tit. Sheriffs.*

Offences in Tile-making. *Vide antea tit. Tile.*

Offences in Watermen. *Vide antea tit. Watermen.*

5. Where one Justice of Peace may punish Offenders upon accusation or proof, generally; which accusation or proof must be by examination of Witnesses only (as it seemeth) and yet the party delinquent is (here also) to be first heard, before he be convicted or condemned; *ut supra.*

Offenders in keeping or using Guns or Cross-bows, &c. contrary to the Statute. *Vide antea tit. Guns.*

Disturbers of Preachers. *Vide antea tit. Preachers.*

Soldies that purloined their Horse or Harneys. *Vide antea titulo Soldiers.*

Note, That in these former cases, and in all other cases where the Justice of Peace is to take such examination of Witnesses, or such other accusation or proof afore said, though the Statute doth not expressly set down that it shall be upon oath, yet it seemeth fit that the Justice doth it upon oath; for Mr. Brook (sometimes Chief Justice of the Common Pleas) was of opinion, that every examination ought to be upon oath; and Mr. Lamb. 517. was also of opinion, that these examinations taken by the Justices of Peace ought always to be upon oath, the rather, because the Trial in these cases dependeth wholly upon these examinations; yea, in all other cases wheresoever any man is authorized to examine Witnesses, such authority to examine shall be taken and construed to be in such manner as the Law will, which is only by oath. *Vide postea tit. Examination.*

Mat. 12.2.

Deut. 17.6.  
& 19.15.

Also where the matter is to be tried by Witnesses only, it is fit there be two Witnesses at the least (except where the Statute doth expressly allow the oath and testimony of one Witness.) And so was the opinion of Mr. Brook, that in such case there ought to be two Witnesses at the least; and agreeable thereto also is the Book and Word of God, *Matth. 18. 16. 2 Cor. 13. Pf. 12. a.* Otherwise it is where the Trial is by a Jury of twelve Men, there one Witness sufficeth, yea, there many times Witnesses are not necessary. See 1 *Plo. 12. a.*

Where two Justices of Peace (out of their Sessions for the Peace) may punish Offenders as convict before them, upon the confession of the Offender, or upon examination of Witnesses, or upon their own view.

Clothiers refusing to pay the wages assessed, &c. See *antea tit. Cloib.*

Spinsters, *Where two Justices may hear and determine out of Sessions.*