

such power. But if a place within the County be incorporated by the King, and Justice be there appointed; yet the same remains still <sup>14 R. 2. 11</sup> parcel of the County, and the Justices of the peace of the County may hold their Sessions there, but may not intermeddle with matters arising there, saving such as happen in their Sessions, or with relation thereunto; for the making such Corporation, and giving them such power, carries with it an exclusion of other Commissioners to be appointed by the King, as to matters arising in such Corporation, so long as such Corporation execute their Authority duly and justly. But in case of any great miscarriage in, or default of, the execution of Justice there by such Incorporation, as their Liberties may be seized, and restored to the Crown by a *Quo Warranto*; so is there notwithstanding such Grant by construction of Law left in the King, a power to provide for the execution of Law and Justice there, and he may grant a current Commission to worthy and able persons, who shall see Justice there done. And such power as it is honourable for the King, so it is safe for the Subject.

And although the place be not otherwise than as aforesaid by any Statute Law determined, yet may the Common Law have some influence on such Authorities and delegated Powers, to confine them to what is reasonable and safe: and therefore could it be supposed that Justices of peace would appoint their Sessions at a place known publickly, and to them too, to be infected with the Plague, or on the Confines of a County, or near some publick Dangers by Enemies or otherwise; and their so doing be accompanied with other circumstances of Wilfulness or worse; such Justices would for the same be punishable by Information and Fine in the Kings Bench.

§. 4.  
Two places

Mr. Lambert puts a case from Mr. Marrow, that if two or more Justices appoint the Sessions to be holden in one Town, and so many more appoint a Sessions in another Town the same day, and holds they may be so held, and that the Presentments in both are good; but that Appearance at one is a discharge of Service at the other. But with his favour it may be well questioned whether they are not both void; for they make two Courts of that which ought to be entire and but one: for I do not find the Justices are required or enabled to hold more than one Sessions at a time; and so their Authority being equal, and seeing no preference can be made by the priority of time, or nature of the Service, they may be taken to be both void. However certainly the Justices, by whose forwardness such Division happens, or on whom such miscarriage is chargeable, on consideration of their circumstances of the matter, are punishable for the same by Information and Fine, or putting out of Commission, as the cause shall require.

§. 5.

So also (which is another case put by Mr. Lambert) if the Justices appoint a Sessions in one Town, and hold it then in another, without timely notice of their alteration of such appointment, it is punishable in them, for it tends to the hindrance of the service, and trouble and charge of the Subject.

These Sessions may be, and are usually warned by a Warrant under the Hands and Seals of two or more Justices of the peace, *Quorum unus*, which may be thus.

§. 6.  
Princip.

G. H. Mil. & R. C. Arm' duo Just' Dom' Regis ad Pacem in Com' S. conservand' necnon ad divers' Felon' Transgr' & alia malefacta in dicto Com'