

ording to the Laws, Customs, and Statutes of this Realm,) without respect of persons. See 2 Car. 19. 6, 7.

They are named also Commissioners [of the Peace,] because they have their Authority by the King's Commission.

"The name in Latin *Custodes pacis*, is equivalent to that of *Justiciarii pacis*, as was resolved P. 10 Jac. B. R. the King against *Little*, where upon a *Certiorari*, it was returned *quod ad general. &c. coram A. & B. cust. libus pacis, Dom. Regis, &c.* an Indictment was found, and this taken for an exception that some were *Custodes pacis*, that were not *Justiciarii pacis*, yet the exception was disallowed. *Rolls* 2. p. 95.

5.4 And here it shall not be amiss shortly to put our Justices of Peace in mind, how that Justice may be perverted many ways, (if they shall not arm themselves with the Fear of God, the Love of Truth and Justice, and with the Authority and Knowledge of the Laws and Statutes of this Realm) As namely,

1. By Fear; when fearing the Power or Countenance of another, they do not Justice. *Deut. 1. 17. Te shall not fear the face of man, for the Judgment is Gods, who is Capitalis Justiciarius totius Mundi*, Chief Justice of Heaven and Earth, and they are his Lieutenants. 2 Chron. 19. c.

2. Favour; when they seek to please their Friend, Neighbour, or other. *Deut. ibid. Te shall have no respect of persons in Judgment. Thou shalt not favour the person of the poor, nor honour the person of the mighty, but judge justly, Levit. 19. 15.*

3. Hatred or Malice against the party, or some of his. *Levit. 19. 18. Thou shalt not avenge, nor be mindful of wrong.*

4. Covetousness; when they receive or expect Fee; Gift or Reward; for as the Wise Man saith, *Rewards and gifts do blind the eyes of the Wise, and make them dumb; that they cannot reprove faults.* Ecc. 20. 23.

5. Perturbation of Mind; as Anger, or such like passion. *Jam. 1. 20. The wrath of man doth not accomplish the righteousness of God.*

6. Ignorance, or want of true understanding of what is to be done. *Ignorantia mater Erroris.*

7. Presumption; when without Law (or other sufficient Rule or Warrant) they (presuming of their own wits) proceed according to their own wills and affections. *There is more hope of a fool, than of him that is wise in his own conceit, Prov. 26. 12.*

8. Delay; which in effect is a denying of Justice. *Negligentia semper habet comitem infortuniam, & mora trahit periculum.*

9. Precipitation, or too much Rashness; when they proceed hastily; without due examination and consideration of the fact, and of all material circumstances, or without hearing both parties: for *the Law judgeth no man before it hear him, John 7. 51.* And the Philosopher could say, *Qui aliquid statuerit, parte inaudita altera, Aequum licet statuerit, haud equus est*; He that shall judge or determine of a matter, the one party being unheard, although he shall give just judgment, yet he is not a just Judge. And again, *Omnia non properanti clara certaque sunt, Festinatio autem semper improvida ac caeca est*; All things are plain and certain to him that is not rash nor heady, but Hast is always improvident and blind. See *Deut. 17. 4. Ecclesiasticus 11. 7, 8. and Prov. 18. 13.* Seneca.

His Majesty's Speech in the Star-Chamber, An. 1616. < All these, King James his Majesty, of happy Memory, hath shortly, yet fully, observed in his Charge lately given to the Judges, sc. charging them that they do Justice uprightly and indifferently, without delay, partiality, fear or bribery, with stout and upright hearts, with clean and uncorrupt hands; and yet not to utter their own conceits, but the true meaning of the law, not making Laws,