

Laws, but interpreting the Law, (and that according to the true sense thereof, and after deliberate consultation,) remembering that their Office is *ius dicere*, and not *ius dare*.

According to this last also is the Rule given in the Book of Judges, *sc.* "In all causes doubtful, first to consider of the matter, to consult, and then to give Sentence: Which Sentence must be agreeable to the merits of the Cause and Crime, else it is not equal." Judg. 19.3.

"Yea, God himself hath given us Precedents of such deliberate proceedings; as you may see in *Genesis*, chap. 3. *ver.* 8, &c. and chap. 18. *ver.* 21. Gen. 3.8, 9, 11.

These are worthy Directions for all Justices of Peace, and other Magistrates, that they carry themselves in their places uprightly and indifferently, not uttering their own conceits, nor upon the sudden to overrule things; but after deliberate consideration and consultation, then to proceed to execute the Authority committed to them.

Now there be four essential properties required in Magistrates and Justices, *viz.*

1. They must be men of Ability of Body and Estate, and of Courage for the Truth and in the Truth.

2. They must be men Fearing God; not seeking the place for Honour or Commodity, nor respecting persons, but the Cause.

3. They must be Men dealing truly, searching out all the Truth, and hating Covetousness.

4. They must judge the people at all seasons, using all diligence in hearing and ending Causes; and not to neglect the publick, for private employments, or ease. See *Exodus* 18. 21, 22. and *Job* 29. 12, *ad* 17. For they bear not the Sword in vain, *Rom.* 13. 4.

Justices of Peace are Judges of Record, appointed by the King to be Justices within certain Limits for the Conservation of the Peace, and for the execution of divers things comprehended within their Commission, and within divers Statutes committed to their charge. *Their Description or Definition.*

Now, first, that the Justices of Peace are Judges of Record, (yea, that every Justice of Peace by himself is a Judge of Record, and one upon whose sole Report and Testimony the Law reposeth it self very much) appeareth more plainly, if you observe these things following:

1. He is made under the Great Seal of *England*, which is a matter of Record.

2. Every Justice of Peace hath Judicial power given unto him by the Commission, *sc.* in the first *Assignavimus*.

3. Also by some Statutes they have Judicial power given them; for they may make a Record of a Force by them viewed, and may thereupon fine and imprison the Offenders; yea, one Justice of Peace in some cases, may also hear and determine Offences, and punish an Offender as convict upon his own View, or upon the Confession of the Offender, or upon Examination and Proof of Witnesses. *Vide Tit.* Forcible entry hear and determine.

4. His Warrant (though it be beyond his Authority) is not disputable by the Constable, or other inferior Minister, but must be obeyed and executed by them. But this must be understood when the Justice of Peace hath Jurisdiction of the Cause, for or concerning which he hath granted his Warrant; for otherwise the Constable, or other Officer executing their Warrant, seemeth to be punishable, notwithstanding the Justices Warrant. *Vid. tit. Warrants.*

5. He may take a Recognizance (for the Peace, &c.) which is a matter of Record, and which none can do but a Judge of Record. See *Br. Recog.* 8, & 14.

9 E. 4. 3.
14 H. 8.
16.

La 6. 94.
14 H. 8.
18.
Co. 10. 76.

Lamb. 67.

6. His