

Indictment concluded *contra pacem*, but it was quashed, because the time when he acted was not particularly set forth, for he might have 20*l per Annum* when he acted, tho' not afterwards. *Roll. Rep. 2 part. 247.*

He must be a Man of Reputation: The old Word was, he must be a *prevalent* Man in the County (*i.e.*) a Man of some Authority and Power, and must not be a Steward to any Lord.

A Justice of Peace being, as it hath been observed, a Creature of the Statute Law; the Authority he hath is given likewise by particular Statutes.

As for Instance: By the Statute before mentioned, they had Power to hear and determine Trespasses and Felonies, and by Consequence Murder; for that is included under the general Name of Felony: And by the Statute 43 *E. 3 cap. 1.* and 2 *R. cap. 10.* they had power to proceed to deliver Thieves and Felons.

'Tis true, their Power is very much enlarged by these Statutes, beyond the Power of the Conservators of the Peace at Common Law; for they could not do so much as to commit for a Breach of the Peace: but yet since the 1 & 2 *Ph. & Mar. cap. 13.* directs them to certify the Examinations which they take in Homicide and Felony to the Justices of Gaol-delivery, the Court of Quarter-Sessions do seldom or never proceed in such Cases, but only in Petty Larcenies; but do certify their Proceedings to the Assizes, and bind over the Prosecutors thither.

His single Testimony upon the View of a Rior, or the Defect or Repairs of an High-Way is of greater Authority than an Indictment found by a Jury; and in all Cases where he hath a Jurisdiction, he is to be obeyed by the subordinate Officers, and his Warrant is not to be disputed by them; for they may be indicted if they either neglect or refuse to execute it.