

care to have these fines levied, though this was undoubtedly a part of his office.

No 331.

It was *answered*, That it is no part of the duty of an overseer to levy the fines. All he is to do is to give in his list of deficient; and the act of George I. expressly declares, that the Justices shall grant warrant to the officers to levy their fines. This duty, therefore, belonged to the constables, and not to the suspender.

“THE LORDS, in respect of the irregular proceedings in the beginning, adhered to the Lord Ordinary’s interlocutor.

For the Justices, *Alex. Murray.* For Wood, *Pat. Murray.* Clerk, *Pringle.*
P. M. *Fol. Dic. v. 3. p. 357.* *Fac. Col. No 56. p. 137.*

1762. June 14.

EARL of MORAY and JUSTICES of the PEACE of Fifeshire *against* MAGISTRATES of Kinghorn.

THE LORDS found, That the regulation of the ferry at Kinghorn, and fixing its dues, belonged to the Justices of the Peace of the county.

No 332.

Fol. Dic. v. 3. p. 358. *Fac. Col.*

* * * This case is No 102. p. 1988. *voce* BURGH ROYAL.

1769. January 24.

ROBERT BOYD Suspender, *against* ADAM and THOMAS MILLARS, &c. Chargers.

ROBERT BOYD was sued before the Justices of Peace for the shire of Ayr, for payment of grass-mail, and being found liable, suspended their decret. The question before the Court turned on these points: *1mo*, How far the Justices of Peace had a proper jurisdiction to try this case; and, *2do*, Supposing they had no proper jurisdiction, how far their jurisdiction was, or could be prorogated by the parties.

Pleaded for the suspender; Justices of Peace have no ordinary or radical jurisdiction in civil matters. They are appointed for preserving the peace, for preventing delinquencies, and for punishing those who offend against the peace, but not for chastising other delinquents. Their jurisdiction is entirely criminal, not can it be extended, except as to citation in servants fees, and other small matters specially enacted by statute. Having no proper jurisdiction in private property, the Court of Session has checked every attempt to extend their bounds, and Justices of Peace have been found incompetent judges on the pas-

No 333.
 The Lords sustained a decree of the Justices, pronounced in an action for payment of rent.