

THE LORDS, without giving any interlocutor upon the competency of one Justice to judge, 'Remitted to the Magistrates of Glasgow, to set the petitioner at liberty, upon his finding bail, not under L. 10 Sterling, for the due performance of his contract; or, upon his deponing that he is unable to find such caution, to set him at liberty upon his enactment to perform the same, under the penalty of L. 100 Sterling.'

No 348.

N. B. He was poor and a stranger.

Kilkerran, (JURISDICTION.) No 5. p. 313.

1760. July 10. MARGARET MACKAY *against* WILLIAM HERCULES, Tailor.

No 349.

IN an advocacy from the Justices of the Peace, it was *pleaded*, That the decree had been pronounced by a single Justice, whereas two or more are by law required, for holding a court, or for pronouncing any sentence.

"THE LORDS remitted the cause to the Justices of Peace, with this instruction, That this cause should be judged by two or more Justices of the Peace."

Act. Wight. Alt. Monro. Clerk, Justice.

P.M.

Fol. Dic. v. 3. p. 358. Fac. Col. No 230. p. 422.

S E C T. III.

Constables.—Action against Justices.

1746. December 23. MELDRUM *against* BROWN.

WALTER MELDRUM had some years ago been banished the shire of Fife, by sentence of the Justices of the Peace, with certification, that in case of his return to the shire, he should be scourged by the hands of the common hangman, &c. Alexander Brown, one of the constables of the bounds, getting information that he had returned to the shire, and was harboured in the house of Walter Meldrum, junior, his son, repaired to the said house with assistants, in order to apprehend him; but being deforced by the said Walter Meldrum, junior, a process was brought against Meldrum before the Justices, in name of the said Alexander Brown, with concurrence of the head constable, and of the procurator fiscal, libelling 'His haunting and harbouring his said father, a banished person; *2dly*, His refusing to open the door of a room in his house, wherein

No 350.
Found that a constable might apprehend without a written warrant.