

No 337. of the mechanic in his art. Except in so far as respects country-labour, these statutes are solely relative to the price of made work. This is the obvious meaning of the words, and was the object of police at the time. From the 1462, down to the period of these acts, a number of statutes are found for regulating the price of made work; Ab. of Stat. v. Police; but none for regulating the wages of journeymen.

The statute 6th Anne, c. 5. gives the Justices of Peace in Scotland the powers of the English, only in as far as relative to the preserving the peace. But, at any rate, the English Justices have not the powers here contended for; Blackstone, b. 1. c. 14. § 2. and Burn, *voce* Servants. It was denied that country Justices ever, in practice, assumed the power of making regulations of this kind for artisans.

2do, Although the Justices had been vested with sufficient powers, the regulations themselves being impolitic, ought not to be supported. Restrictions on the price of labour are contrary to the principles of sound policy, and defeat the purpose for which they are intended. Exceptions were likewise taken to particular articles, concerning the houses of call.

The Court were of opinion, that they were competent to review the proceedings of the Justices of Peace in this case, and that the Justices have sufficient authority to make regulations, fixing the wages of mechanics.

“THE LORDS repelled the reasons of suspension, and found the letters orderly proceeded, without prejudice always to the journeymen-tailors to apply to the Justices of the Peace, when they can show cause why any proper rectification or alteration in their present regulations ought to be made.”

Act. G. Ferguson.

Alt. Erskine.

Fol. Dic. v. 3. p. 359. Fac. Coll. No. 37. p. 64.

1782. August 7. JOHN NAPIER, &c. against WALTER ROBISON, &c.

No 338.

The Justices of the Peace have not the power of shutting up one of two public roads, though that which is left is the most convenient, and sufficient to answer the purposes of both.

NAPIER instituted a process of reduction of a decree of the Justices of the Peace of Stirlingshire, by which they had ordained a road to be shut up, which led, by a place called Mildavie, through the grounds of Mr Robison and the other defenders, to the highway between Glasgow and the country westward of Strathblane; whilst another road, deemed more convenient, passed by Edinakiln-bridge to the same great road.

It appeared, that the first mentioned road, as well as the other, had been immemorially possessed by the public; and, therefore, the Court, as in the case of Turner against Duke of Roxburgh, 14th June 1749, No 322. p. 7605., and more lately in that of Spottiswood of Dunnipace,* were of opinion, that, whether the road in question was more or less convenient than

* Examine General List of Names.

the other one, the Justices of the Peace had, by shutting it up, equally exceeded their powers, which they derive only from the statutes 1661, cap. 41. and 1669, cap. 16. for that the public were entitled to both roads.

They, therefore, sustained the reasons of reduction.

Lord Ordinary, *Aukerville*.

Act. *Geo. Fergusson*.

Alt. *Ilay Campbell*.

Clerk, *Menzies*.

S.

Fol. Dic. v. 3. p. 356. Fac. Coll. No. 63. p. 100.

No 338.

1790. June 15.

JAMES ROBERTSON *against* JOHN SHEDDAN.

SHEDDAN having obtained a decree of the Justices of the Peace for the county of Ayr, against Robertson, for payment of L. 1 : 7 : 1, being the balance of an account of goods, the latter brought a suspension of that decree, on the head of incompetency.

THE LORD ORDINARY "suspended the letters *simpliciter*."

In a reclaiming petition, the charger insisted on the general practice of Justices of the Peace exercising jurisdiction in small questions of debt; on the expediency of that practice, from the simple and summary procedure in their Courts, so beneficial to the parties, in respect both of time and expense; and on the decision of 24th January 1769, Miller against Boyd, No 333. p. 7617. which was said to be the only one in point, the other determinations, relative to the jurisdiction of Justices of the Peace, having occurred in cases that involved intricate discussions of law, unfit for their cognizance.

The Court, however, considered the total incompetency of Justices of the Peace to judge in any ordinary questions of debt, however small the subject of litigation might be, as a point so clear, that it did not admit of the smallest doubt; and, therefore,

THE LORDS refused the petition, without answers.

Lord Ordinary, *Stonfield*.

For the Petitioner, *Cathcart*.

S.

Fac. Coll. No. 138. p. 274.

No 339.

Justices of the Peace have no jurisdiction in ordinary questions of debt.

1796. July 5.

WILLIAM SCOTT, Procurator-Fiscal of the County of Mid-Lothian, *against* WILLIAM SMITH, and Others, Chaise-Hirers in Edinburgh.

THE Justices of Peace for Mid-Lothian, in 1760 and 1761, had fixed the hire for a chaise and two horses, travelling post, at 9d. *per* mile, at which rate it continued till October 1795, when William Smith and others, chaise-hirers

No 340.

Justices of Peace have power to regulate the rates of hire for postings.