

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.