

Stables, or other the King's Officers, for the arresting of the party, &c. and when he is come before them, may take Recognizance of him for the Peace. And if the party shall refuse to find such Surety, they may commit him to prison. And yet for the Master of the Rolls, it is held that he maketh Process and taketh Recognizance, not as incident to his Office, (as all the other may) but the Master of the Rolls his authority herein is said to be only by Prescription, that he hath used to make such Process, &c.

"The Chamberlain of *Chester* is Judge of the Court of Exchequer there, which hath the Jurisdiction of a Court of Chancery, and is by virtue of this Office a Conservator of the Peace there; as was amongst other things certified by Sir *James Dyer*, and the Justices of the Court of the Common Bench to *Queen Eliz.*

'But at this day these Conservators of the Peace are held to be out of use; and that their Authority for the keeping of the Peace is now only by virtue of the King's Commission of the Peace, ordaining them to be Justices of Peace. See *Sir Fr. Bacon his Use of the Law*, pag. 12.

S. 4.
Judges.

There be others who (by virtue of their Offices) have the Conservation of the Peace, but yet only within the precinct of their several Courts: as namely, the Justices of the Court of the Common Pleas, the Barons of the Exchequer, and the Justices of Assize and Gaol-delivery. And any person may pray and crave the Surety of the Peace before any of these in their Courts: and if the party be present, or within the place or precinct of their Court, or within their view, they may send the Warden of the Fleet, or other Officers attending their Court, to bring the party before them, and they may take Surety of him; and if he shall refuse to find such Surety, they may commit him to prison. See *Sir F. Bacon*, pag. 12.

Lamb. 13.
2 H. 7. 2.
Br. Peace
12.

Also the Justices of Assize, if the Peace happen to be broken in their presence and precinct of the Court, may command the Offender to the Gaol or Prison. And if complaint be made to them that *A.* is minded to break the Peace, or else if they do perceive the same in their presence they may command the parties upon a certain Pain to keep the Peace, and that Weapons be taken from the Jurors or Witnesses that appear before them. But as they be merely Justices of Assize, they may not award any Process or Warrant for the Peace, neither may they take Sureties of the Peace. *Lamb. 13.*

Stewards.

Also the Steward of the Sheriffs Turn, the Steward of a Leet, and the Steward of a Court of Pipowder, every of these are Conservators of the Peace within their several Courts; for every of them may commit him to Ward that shall make an Affray in their presence whilst they be in Execution of their Offices; for that these be Courts of Record: and so in all other Courts of Record. But none of these may grant any Warrant for the Peace.

Lamb. 14.
Br. Leet 36

And the Steward of the Sheriffs Turn, as also the Steward of a Leet, (during their Courts) may by Recognizance bind him to the Peace, that shall make an Affray in their presence, sitting the Court; and may commit him to Ward until he hath found Surety for the Peace; and may also take the Examination of Felons, and commit them to the Gaol; and may also take the Presentment of any Felony at the Common Law, committed within their Precinct, or of any other offence against the Peace, except the Death of a man. See *Br. Leet* 1, 2, 14, 18, 22, 26.

Crom 7.
Br. Leet 19.
F.N.B. 32.

13 H. 4. 12.
21 E. 4. 21.

Cro. 8. 38.

And so if any other Contempt or Disturbance to the Court shall be committed in any (of the said Courts, or in any other) Court of Record, the Judge (or Steward) there may impose upon such Offenders a reasonable Fine. See *Br. Leet* 14. 36.

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