

1. In preventing the Breach of the Peace, (wisely foreseeing and repressing the beginnings thereof) by taking Surety for the keeping of it, or for the good Behaviour of the Offenders, as the case shall require.

2. In pacifying such as are in breaking of the Peace: See *postea*, titulo *Affray*.

3. In punishing (according to Law) such as have broken the Peace. But of the three, the first, the preventing Justice, is most worthy to be commended to the care of the Justices of Peace.

§. 4.
Stat. 27 H.
9. c. 24.

“The constituting and making Justices of Peace is inherent in, and inseparable from the Crown of this Kingdom, and because this amongst others had been severed therefrom, to the great diminution and detriment of that Royal State, and the hindrance and delay of Justice, as speaks the Statute of 27 H. 8. It was thereby Enacted, That no person should have authority to make any Justices of Peace, but only the King, his Heirs and Successors, by their Letters Patents, nor was nor is his power to be delegated, for the King cannot grant a man power to make Justices of the Peace, as is the Book of 20 H. 7. 7 a.

Who may
make them.

§. 5.
Three sorts.

Justices of Peace (at this day) are of three sorts, and are appointed or created by three means.

1. First, By Act of Parliament; as the Bishop of *Ely* and his Successors, and their temporal Stewards of the Isle of *Ely* (for the time being) shall be Justices of Peace within the said Isle, and shall use and have within the said Isle all such power as doth belong to any Justice of Peace within any County.

27 H. 3. 124
P. Just. 2.

And so of the Archbishop of *York*, and the Bishop of *Durham*, and their Successors, and their temporal Chancellors, &c. *ibidem*.

Lamb. 26.

2. Secondly, By Grant made by the King by his Letters Patents under the Great Seal, (and by his Bill assigned;) as Mayors, and the chief Officers in divers Corporate Towns: and such the King cannot discharge again at his pleasure, but they shall continue and enjoy their Jurisdiction according as their Letters Patents do enable them; and therefore if the King granteth to a Mayor, or other Head-officer of a City or Corporate Town, and to their Successors, to be Justices of Peace in their City or Town, and after maketh out Commission of the Peace to others there, yet the Authority and Jurisdiction of the Mayor, &c. remaineth good, for that it was granted to them and their Successors, and is not revocable at the King's pleasure, as the Commission of the Peace is.

By grant.

Br. Crom.
mill. 5.

“Which Grants and Charters may notwithstanding for some great and general defect of, or miscarriage in the execution of the powers and authorities herein granted, be repealed and the liberties seized, so also may the Kings Majesty upon reasonable cause moving him, *ne decuset populo* “in *Justitia exhibenda*, grant concurrent Commissions of the Peace within such Incorporations.

And such Justices of Peace by Grant or Patent have thereby the same power as the Conservators of the Peace had by the Common Law; and, it seemeth, such power also is given to the Justices of Peace (or to any one Justice of Peace) by express words in any Statute: But none of them have thereby the whole power which is ordinarily given to the Commissioners of the Peace by their Commissions. And so it seemeth of the first sort of Justices of Peace by Act of Parliament, *sc.* the Archbishop of *York*, and the Bishops of *Durham* and *Ely*, and their temporal Chancellors and Stewards.

Also concerning such Justices of Peace by Grant or Patent, if the Grant be made to such as be not learned in the Law, yet if the Grant be,

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