

9. 10.

3. By the accession of another Office: as when a Justice of Peace is chosen to be Sheriff of the same County. his Authority of a Justice of Peace there is suspended during his Sheriffwick; but after that another is chosen and sworn Sheriff of the same County, then this Authority as a Justice of Peace remaineth as it was before; without any renewing of the Commission, and without any of the Oaths newly to be taken by him; except his name be then put out or left out of the Commission, as sometimes hath been used to be done; and perhaps only to get new Fees.

1 Ed. 6. 7.  
1 M. 8.  
P. Dife. 4.

The reason why his Authority of a Justice of Peace is suspended during his Sheriffwick seemeth to be, for that the Sheriff is a Minister, and a Justice of Peace is a Judge; and the one is as necessary as the other. And besides the Office of a Judge being to Command, and of a Minister to execute the Commandment; if one man shall be both Judge and Minister, thereof it would follow, that the Sheriff ought to command himself, or that he should, as an Officer, serve his own Precept made as Justice or Judge, the which cannot be.

Also if a Justice of Peace be made a Coroner of the County, this, by some Opinions is a Discharge of his Authority of Justiceship of Peace: otherwise it seemeth where he shall be made an Escheator, Under-sheriff, Bailiff or the like. *Lamb. 72. quere.*

But if a Justice of Peace be made a Knight, or Serjeant at Law, or hath any greater name or office of Honour or Dignity given him, this taketh not away his Authority of a Justice of Peace. *Br. Commiss. 4. & 22.* See also the Statute of 1 E. 6. cap. 7.

1 E. 6. c. 7.  
P. Dife. 4.

Dyer 165.  
Co. 730.  
B. Com. 5.

Note also, that although by the Death of the King, or by his Resignation, the Authority of all Justices of the Peace, which are by Commission (yea, and of all Judges, Commissioners of Oyer and Terminer, Commissioners of Gaol delivery, Sheriffs, Escheators, and other Officers that are by Commission) doth cease; yet Mayors and chief Officers in Cities and Corporate Towns, (which have the Authority of Justices of Peace, or of the Conservation of the Peace, by Grant under the King's Letters Patents to them and their Successors) their Authority still remaineth, notwithstanding the Kings Death or Resignation.

Br. Com.  
19. 21. B.  
Offic. 15.

So also the Office and Authority of the High Constables and petty Constables seemeth to remain, notwithstanding the Death of the King, &c. for that their Authority is by the Common Law, and to their said Office the Conservation of the Peace remaineth, as a thing incident and unseparable from the same.

4 E. 4. 44.  
B. Off. 25.  
Dyer 165.

Coroners also do remain Conservators of the Peace (within the County where they are Coroners) notwithstanding the Kings Death, &c. for they are made by the Kings Writ, and not by Commission; and their Office and Authority doth remain until they be removed by the Kings Writ; and their Office remaining, the Conservation of the Peace remaineth as incident thereto.

## C H A P. IV.

P. Inf. 4.  
1 El. 1.

**E**VERY Justice of Peace (before he shall take upon him to exercise the Office of a Justice of Peace) shall take two corporal Oaths; the one concerning the Office of a Justice of Peace, the other concerning the Kings Supremacy. *Their Oaths.*

The Oath concerning this Office seemeth to be by force of the Statute made 13 R. 2 c. 7. And yet see the Oath of the Justices made *An. 18 E. 3.* much