

§. 3.
4 Inlt. c.
P. 171.

The Commission of the Peace was, when Justice *Fitzherbert* and some others wrote, incumbred and burdened with many Statutes, some whereof were repealed; and some out, whereas there were none such, and stuf with many vain Repetitions, and many Corruptions crept therein by the mistaking of Clerks: for amendment and correction of which, Sir *Christopher May* chief Justice of *England* assembled all the Judges of *England* M. 32. & 33. *Eliz.* and upon perusal of the former Commission of the Peace, and often Conferenc within themselves resolved upon a Reformation of the former, with divers additions and alterations as it standeth at this day both in matter and method.

§. 4. This Commission hath two Parts, containing the Power of the Justices of Peace.

The first *Assignavimus* (or first part) of the Commission doth give power to any one Justice of the Peace (more, or all to keep, and cause to be kept the Peace, and all Ordinances and Statutes made for the Conservation of the Peace, and for the quiet Government of the people: As namely the Statutes made for Hue and Cry after Felons; and the Statutes made against Murtherers, Robbers, Felons, Night-walkers, and Affrayers, Armor worn *in terrorem*, Riots, Forcible Entries, and all other force and violence; all which be directly against the Peace. The particulars whereof you shall find more fully hereafter, and most of them under their proper Titles.

By this first Clause in the Commission, the Justices of Peace have as well all the ancient power touching the Peace with the Conservators of the Peace had by the Common-Law, as also that whole Authority which the Statutes have since added thereto.

The means which the Justices of Peace must use for the keeping of the Peace, and for the Execution of these Statutes. are as followeth.

For to prevent the breach of the Peace, the Justice of Peace may send his Warrant for the party, and may take sufficient Sureties of him (by Recognizance) for keeping the Peace, or for the Good Behaviour, (as the case shall require:) and may send the party to the Gaol for not finding such Sureties.

But for these Statutes made for the Peace, they are to be executed according to such prescript and order as themselves do deliver; wherein if no power at all be expressly given to any one Justice of Peace alone, then can he not otherwise compel the observation thereof (as it seemeth) than by Admonition only: In which behalf if he shall not be obeyed, he may prefer the Cause at the Sessions, and work it to a Presentment upon the Statute, and so (by the help of his fellow-Justices) to hear and determine thereof as Law requireth.

And here note, That whereas before the making of the Statute 1 *Ed. 3. cap. 11.* there were no Justices of Peace within this Realm, (but only Conservators of the Peace, as is before shewed:) and whereas by the Commission of the Peace, presently after, and to this day, the Justices of Peace had, and still have, the Statute of *Winch/ter* given them in charge, to execute the same; which Statute of *Winchester* (being made 13 *E. 1.*) was long before there were any Justices of Peace. By this it may appear, that the King by his Commission, may commit the execution of the Statutes and Laws to whom he shall please. And so also a Justice of Peace, by virtue of the Commission, may execute any Statute whereunto he shall be enabled by the said Commission, although there shall be no such express power given to him so to do by the words or letter of the same Statute.

§. 5. The second *Assignavimus* in the Commission doth give Authority to any two