

their Office; and all others in pursuing Hue and Cry, where any Felony or other Offences against the Peace be done, may lawfully bear Armour or Weapons.

Also it seemeth that any Justice of Peace may command that Weapons be taken from such Prisoners as at any time shall be brought before him.

Also if any Servant to Husbandry, or to any Artificer, or Victualler, or any Labourer, shall bear any Buckler, Sword or Dagger, except they be travelling with their Master, or in their Masters message) it seemeth every Justice of Peace may imprison them till they have found Sureties for the Peace, and may seize and take away their said Weapons, (or may cause the Constable to seize the same as forfeit) and present the said Weapons at the next Sessions of the Peace. But this Statute seemeth now to be repealed by the Statute made 21 Jac. 28.

And yet, by the first Assignavimus in the Commission, the Justice of Peace may do it, especially if he suspect any breach of the Peace to be intended by them.

C H A P. X.

Barrator.

§. 1. **B**arrator cometh from the French Barrat, id est, astutia, and in that Tongue betokeneth a Deceiver. In our Law a Barrator is a common Wrangler that setteth men at odds, and is himself never quiet, but at Brail with one or other. Dr. Cow. & Minsh.

Every Justice of Peace (upon his discretion) may bind to the Peace or Good Behaviour, such as are common Barrators.

Also a common Barrator is he who is either a common Mover and Stirrer up (or Maintainer) of Suits in Law in any Court, or else of Quarrels or parties in the Country. Co. L. 368.

§. 2. *In Courts.* As if in any Court of Record, County-Court, Hundred, or other inferior Courts, any person by fraud or malice under colour of Law, shall themselves maintain (or stir up others unto) multiplicity of unjust and feigned Suits or Informations (upon penal Laws,) or shall maliciously purchase a special Supplicavit of the Peace, to force the other party to yield him Composition; all such are Barrators.

In the Country; and these are of three sorts.

§. 3. *In the Country.* 1. Disturbers of the Peace, viz. such as are either common Quarrellers or Fighters in their own cause; or common Movers or Maintainers of Quarrels and Affrays between others.

2. Common-Takers or Detainers (by force or subtilty) of the possessions of houses, lands or goods, which have been in question or controversies.

3. Inventers and Sowers of false Reports, whereby discord ariseth, or may arise between Neighbours. All these are Barrators.

Tea, if one be Communis Seminator litium, he is a Barrator. West Indict. 75. 76.

Or if any man of himself be Communis oppressor vicinorum, (a common Oppressor of, or Wrangler with, his neighbour or others) either by unjust or wrangling Suits, or other oppressions or deceits, he is a Barrator.

Or if one be Communis Pacis perturbator, Calumniator, & Malefactor, he is a Barrator. Crom. 257.

§. 4. But all such persons must be common Barrators, sc. not in one or two, but in many causes.

A Feme covert cannot be indicted of common Barretry, and an Indictment against one for that offence was quashd. T. 16 Jac. Rolls, Rep. part 2. p. 39.