

C H A P. II.

The first Ordaining of Justices of the Peace.

§. 1. **K**ING Edward the First (according to the first Article of the Sacred Oath received by him, and since by other Kings and Queens of this Realm at their several Coronations, the which is in these words, *Servabis Ecclesie Dei, Clero & Populo, Pacem ex Integro, & Concordiam in Deo secundum vires tuas. Quibus Rex respondet, Servabo*) in his first Parliament holden *An. 3.* of his Reign, *Cap. 1.* hath established and commanded, that the Peace of holy Church and of the Land shall be well kept and maintained in all points: The which Peace of the Church is (and always hath been by the ancient Laws of this Land) protected and conserved by the King, the Archbishops and Bishops of this Realm; and the Peace of the Land is and always hath been, defended and maintained by the same King, and his temporal Justices or Officers lawfully appointed for the same, &c. which temporal Justices, at the first, were the Conservators of the Peace, as aforesaid. But more especially in those times, there were also in every County continually Justices of Oyer and Terminer, and also there were Justices Itinerants, which had Power not only to determine all manner of Quarrels, (as well Real as Personal) but also all Offences against the Peace, &c. as may appear in our Law Books, and especially in *M. Fitz. tit. Corone*, amongst the *Iter North & Cant.*

See this Oath at large, Brac. lib. 3. and Dr. Cowel, 235.

§. 2. For although by Chronicle Law, in our Annals, it is reported that *William the Conquerour* ordained Justices of the Peace about *An. Dom. 1070. Anno quarto* of his Reign; yet Justices of Peace had not their being almost Three hundred years after, *viz.* until *An. Dom. 1327.* At which time Justices or Commissioners of the Peace were first created and ordained by the *Stat. 1 Ed. 3. cap. 16.* By which Statute it was ordained, That in every Shire of the Realm certain persons should be assigned (*sc.* by the King's Commission) to keep the Peace. And their Authority was after enlarged by the Statutes *4 Ed. 3. cap. 2.* *18 Ed. 3. cap. 2.* and *34 Ed. 3. cap. 1.* And by many other Statutes made since in every King's Reign: And by the said Statute of *34 E. 3. 1.* were they first (generally) enabled to hear and determine (at the King's Suit) all manner of Felonies and Trespasses: And each County had now its proper Commissioners for the Peace, whereas before (it seemeth) the Commissions to the Justices of the Peace were not always made severally into one Shire, but sometime joyntly to sundry persons over sundry Shires.

Their beginning.

Holinsh. 2.

And by the *Stat. 2 H. 5. cap. 1. Stat. 2.* Justices of Peace shall be made of the most sufficient persons dwelling in the same Counties, by the advice of the Chancellor and King's Council.

§. 3. But the *Statute of 36 E. 3. cap. 12.* is the first Statute that nameth them Justices of the Peace. For the Statutes of *2 E. 3. cap. 6.* and *25 Ed. 3. cap. 6, 7, 8.* speaking of Justices seem not to be of our Justices of Peace; but that of *2 Ed. 3.* as also the *Statute of Winchester, cap. 1.* therein mentioned, to be meant of Justices Itinerants, or Justices in Eyre; and the other of *25 Ed. 3.* to be meant of Justices or Commissioners specially assigned for Servants and Labourers. See for this last, *Lamb. 24. § 577, 578.* and the Statutes of Labourers made *25 E. 3. cap. 6, 7, 8.* and of *42 Ed. 3. cap. 6. Rastal, fol. 233. a. b. d.*

Their name.

They be called Justices [of the Peace] because they be Judges of Record, and withal to put them in mind (by their name) that they are to do Justice (which is, to yield to every Man his own by even portions, and according