

6 His Record (or Testimony) in some cases is of as great force as Indictment upon the Oath of Twelve men, and in some other cases of greater force than an Indictment. See hereof *tit. Force, High ways, Peace and Riot.*

7. He also may make out Process upon Indictments, or Informations against Offenders, &c. yea and that out of their Sessions, (in some cases) as you may see hereafter, *tit. Process.*

Great cause therefore have the Justices of Peace to take heed that they abuse not this their credit and authority, either to the oppressing of the Subject, by making untrue Records, or defrauding of the King, by suppressing the true Record.

§ 5. By the Statute of 12 R. 2. cap. 10. there should be but Six Justices of Peace (in every Commission of the Peace) with the Justices of Assize. The number.

After, by the Stat. 14 R. 2. cap. 11. it was ordained, That there should be Eight Justices of Peace assigned, besides the Lords.

And two Lawyers (at least) shall be assigned in every County, to hear and determine Felonies and Trespasses done against the Peace, 18 E. 3. cap. 2. 34 E. 3. cap. 1. & 17 R. 2. cap. 10.

Also Justices of Peace ought to be resident and dwelling within the same County, (except Lords and Judges, &c.) 2 H. 5. cap. 4. & 2 H. 5. Stat. 2. cap. 1.

### C H A P. III.

#### Peace.

§ 1. **P**EACE, in effect, (saith M. Fitzb.) is the Amity, Confidence, and Quiet that is between men; and he that breaketh this Amity or Quiet, breaketh the Peace. Fitz. Just. of P. 13.

Peace, what.

Yet Peace (in our Law) most commonly is taken for an abstinence from actual and injurious Force, and offer of Violence; and so is rather a restraining of hands, than an uniting of minds. And for the maintenance of this Peace chiefly were the Justices of Peace first made.

§ 2. Breach of it.

The Breach of this Peace seemeth to be any injurious Force or Violence moved against the Person of another, his Goods, Lands, or other Possessions, whether it be by threatening words, or by furious gesture, or force of the body, or any other force used *in terrorem.*

The Office of the Justices of Peace is principally to be exercised to the keeping of the Peace, and suppressing of and bringing to punishment persons using such injurious and unlawful Force or Violence. And yet (the Commission of the Peace being *pro bono Pacis, ac pro conservatione ejusdem, & pro quieto regimine & gubernatione populi.*) I see not why the Justices of Peace should be restrained from preventing and repressing such other Offences, Misbehaviours and Deceits as may break the Amity, Quiet and good Government of the People, and whereof Discords, and so Breaches of the Peace do often arise, (though there appear neither Force nor Violence in the Offence it self:) as Libellings, Cozenages, and such other offences. *Vide tit. Good Behaviour.*

But it is no part of the Office of the Justice of Peace to forbid lawful Suits; albeit they shall do well to be Mediators of Peace in such Suits and Controversies as shall arise among their Neighbours. Neither shall any man be punished for suing any Writ in the King's Courts, *soit ceo de Droit ou de Tort. Co L. 61.* Latch, P. 45.

§ 3. Conservation of Peace.

The Conservation of this Peace (and therein the Care of the Justice of Peace) consisteth in three things, *viz.*

1. In