

STATUTES

Made at WESTMINSTER, Anno 5 HEN. IV. and A. D. 1403.

CAP. X.

Justices of the Peace shall imprison none but in the common Gaol.

Item, Because that divers Constables of Castles within the Realm of *England* be assigned to be Justices of Peace *by Commission of our Lord the King, and by colour of the said Commissions they take People, to whom they bear evil will, and imprison them within the said Castles, till they have made Fine and Ransom with the said Constables for their Deliverance; (2) it is ordained and established, that none be imprisoned by any Justice of the Peace, but only in the common Gaol.

Item, pur ceo qe diverses conestables des chastelx deinz le roialme dEngleterre sont assignez par commissions nostre seignour le roi justices de **210** la pees & par colour des ditz commissions preignent gentz as queux ils sont malveullantz & les emprisonont deinz les ditz chastelx tanq ils eient fait fyn & raunceon ove les ditz conestables pur lour delivrance avoir ordeignez est & establiz qe nully soit emprisonnez par ascuns justices de la pees sinon en commune gaole.

9 Co. 119. Cro. El. 829.

It is said, however, that the Court of K. B. in England may commit offenders to any prison in the kingdom which they shall think most proper, and the offenders so committed cannot be bailed or removed by any other Court, Sid. 145. The Statute, says Lord Coke, Lord Sanchar's case, 9 Rep. 119 b., was made to oust all questions to what jail offenders shall be committed, and he points out how justices of the peace offend, who commit felons, &c., to either of the Counters in London, and other prisons which are not common gaols. In Scavage v. Tateham, Cro. Eliz. 829, an action of false imprisonment, the defendant justified that he was Mayor and a justice of the peace in Pomfrait, that a robbery was done there and the plaintiff suspected of it and brought before him, and because the plaintiff *videbatur suspectuosus*, he detained him in his house for 18 days to examine him and another, who was not apprehended, concerning the robbery, and afterwards delivered him to the new Mayor. The Court said that a