

§. 5.
F N. B. 81. d
& 82.
Br. Peace
13.
Lam. 126.

The Sheriff, by the Common Law, is a principal Conservator of the Peace in every place within his County. And (upon request to him made) he may command another to find Surety of the Peace, and may take the same Surety by Recognizance, and that *ex Officio*, and without any Writ of *Supplicavit* to him directed: and this seems to be by virtue of his Commission, which saith. *Commisimus vobis custodiam Comitatus, &c. Vid. Br. Judicēs 11. & Recogn. 5. 14. 16, & 18.*

§. 6.
Stamf. 49.

Coroners also (by the Common Law) are Conservators of the Peace ^{Coroner.} within the County where they be Coroners: but they (as also all other the Conservators of the Peace by the Common Law) have power for the keeping of the Peace only as the Constables have at this day; to wit, they may take Surety for the Peace by Obligation. *Vide hic infra, 3 E. 4. 9. & 10 E. 4. & tit. Forcible Entry, & Cromp. 6.*

§. 7. The High Constables of the Hundreds are Conservators of the Peace ^{Constables.} within their several Hundreds and Limits by the Common Law. *Cromp. 6. & 22. 12 H. 7. fol. 18.*

And therefore these High Constables, at their petty Sessions, for any Affray made in disturbance of their Court, may imprison the Offenders. *Co. 11. 43. 44.*

Br. Peace
13.
Fitz. 127.

Every petty Constable within the limits of their several Towns are Conservators of the Peace (at the Common Law) by virtue of their Office. *Vide tit. Affray and Forcible Entry.*

And these petty Constables may do what they can to keep the Peace; but they cannot take Surety of the Peace at the request of any man. And *ex Officio* they may cause such as in their presence are about to make an Affray, to find Sureties to keep the Peace; and that as well before the Affray, as after. *See Cromp. 6. & 22, & 12 H. 7. fol. 18. a. & hic postea.*

There be other Officers of much like Authority to our Constables: As the Borsholders in *Kent*; the Thirdborough in *Warwickshire*; and the Tithing-man, and Borowhead, or Headborough, or Chief pledge in other places. But yet the Office of a Constable is distinct and as it seemeth is of more and greater authority and respect than these other; as you may see by the Statute of 39 *Eliz. 4.* where the Tithingman or Headborough is to be assisted in the punishment of Rogues with the advice of the Minister and one other of the Parish, whereas the Constable alone of himself, as well as the Justices of the Peace may appoint or cause Rogues to be punished.

Lam. 51.
52, 53, 54,
55.

And *M. Lambert* of the duty of Constables, *pag. 51, &c.* where he seemeth to hold that these Borsholders, Thirdboroughs, Tithing-men, Headboroughs, and other such, being in any Town or Parish where a Constable is, those other cannot meddle, because Constables be (in comparison of them,) Head Officers, and that the Tithing-men, &c. are but as Assistants to the Constable in all Services of his Office when the Constable is present, and in his absence, then those other to attend the Service; and that there are many other things which the Constables may do, and wherewith the Borsholders and the rest cannot meddle at all. And yet in Towns where there be no Constables, and that the Borsholders, Thirdboroughs, Tithing-men, Headboroughs or such other, be there the only Officers for the Peace; as also in such cases where the power or authority of the Borsholders, &c. is declared to be equal with the power of the Constable; in all such cases and things their Office and Authority are in a manner all one. *See the Stat. 1 Jac. cap. 7. & Lambert Office del' Const. 4, 6, 9.*

There be also divers Statutes which do appoint Offenders to be punished by the Constable or other inferiour Officer. Now who be these Inferiour Officers, if not the Tithing-men, &c.