

And yet, by the Curtesie of *England*, if Women get to any degree of Estate, they never lose it by marrying after more meanly, but do still take place according to the state of their first Husband.

§. 3.
Knight.

Surety of the Peace may be granted by the Justice of Peace against a Knight, and against all other Lay-persons being under the degree of a Baron or Peer of the Realm, and they shall be bound with Sureties.

Sir Nicholas Stoughton in Surrey, was, upon the Complaint of one Gilham, required in Sessions to give Sureties for the Good-behaviour for a sufficient cause; he refused; the Sessions committed him until, &c. he gave Sureties: And afterwards complaint was made hereof in the King's Bench, and he was compelled there to give Sureties, notwithstanding it was objected that the Justices of Peace were all of equal power: But it was answered by the Court, That the Sessions made a Court, which Court might require Sureties for the Peace or Good-behaviour of any one Justice of Peace.

Ecclesiastical Persons (if they be not attending upon Divine Services) may be arrested for the Peace, and they shall be bound with Sureties: But whilst they are doing any Divine Service in the Church, Church-yard, or other place dedicated to God, they may not be arrested, 50 *Ed. 3. 5 P. Arrests* 1. See Stat. 1 R. 2. cap. 15. & 1 Mar. c. 3. 36 H. 6. 21.
Br. Moign.
14. & 15.

§. 4.
Sheriff.

Surety of the Peace may be granted against the Sheriff, Under-sheriff, Coroner, Escheator, and other such Officers of Justice. But Mr. Marrow adviseth, that such persons be not bound *versus cunctum populum*: but only against such persons as shall demand it, lest otherwise it should argue them unworthy and unmeet to bear or exercise any such Office in the Commonwealth, if there should be cause to bind them *versus cunctum populum*.

Si in overt Sessions un Justice de Peace abuser auter Justice de Peace semble que les autres Justices poit luy lier al Peace Crompt. 122. a. Quere fil ne amasse l'auter?

One Justice of Peace may grant his Surety to any man against one of his Fellow Justices (and yet the Commission is joynt) but great discretion is herein to be used.

Wife.

Yea, a Justice of Peace, upon demand, may grant this Surety of the Peace against his own Wife: and yet he and his Wife are but one person in Law.

If Surety of the Peace be demanded against a Juror at the Sessions, it is grantable; but yet the same would not be granted or done before the Sessions be ended.

Justice.

One Justice of the Peace may demand his Surety of the Peace (at the hands of his fellow Justice) against another man.

If a man hath cause to have Surety of the Peace against one dwelling in the *Cinque Ports*, he must have a Writ out of the *Chancery* directed to the Constable of *Dover*, and to the Warden of the *Cinque Ports*: the form thereof see in *Fitz. N. B. 80.*

Wife.

The Wife may demand this Surety against her Husband, (if he shall threaten to kill her or outrageously to beat her, or if the Wife hath any notorious cause to fear that he will do so) and it shall be granted her by the Justice of Peace, or she may have it by *Supplicavit* in the *Chancery*, *Fitz. 238. f. Br. Peace 23.* F.N.B. 10.

The Husband, for the like causes, may demand Surety of the Peace against his Wife *Et si el no poit trouve Sureties, el serra commit, &c. & if sint home poit este rid dun Shrew.* "But it was resolved T. 9 *Car. B. R.* that "a Husband cannot have Sureties of the Peace of the Wife. Fitz. 19. f.

Also