

A man excommunicate may have this Surety granted to him or against him. Crom. 34.

So also of a man that hath abjured the Realm; for notwithstanding the abjuration, he oweth the King his allegiance, and remaineth within the King's protection, and the King may pardon and restore him again: *Qui abjurat regnum, amittit regnum, non Regem, Co. 7. 9. b.*

The manner of abjuration. See *lib. intr. fo. 1.*

A man attainted in a *Præmunire*, may (at this day) require, and ought to have this Surety granted to him, *P. R. 19. Cromp. 133.*

Alien. An alien born who is made denizen, may have this Surety; and so of an alien born who liveth in *England* under the King's protection (although he be not made denizen.) Crom. 134. R. 19.

And so of an alien whose King is in League with our King; or if there be no Wars between this Realm and that Realm whereof the alien is; for by the Common Law, all these may get and have within this Realm any personal goods, and may sue for the same, and so have the benefit of the King's Laws and Protection. But an alien who is the King's enemy, (*scil.* where there is open War between our King and his King) shall not have this Surety granted to him, nor any other benefit of the King's Laws. Dyer 2.

Who shall be said to be an alien. See *Co. 7. 16, 17.*

Subjects. In *Calvin's Case*, 6 *Jac. Reg.* there is a difference taken between *ante-nati* and *post nati*, in *Scotland*, where it is holden, That *ante-nati* in *Scotland*, *sc.* such as were born before the King's happy coming to the Crown of *England*, they are here aliens born; the reason is, for that at the time of their birth, they were under the legiance and obedience of another King; and he could not be a subject born of the Kingdom of *England* that was born under the legiance of a King of another Kingdom. And yet it is manifest, That *ante-nati*, being the King's subjects, are herein provided for by the Commission it self; the words whereof are, *Et ad omnes illos qui alicui vel aliquibus de populo nostro, &c.* of which number *ante-nati* be: so as they may and ought to have this Surety granted to them, as well as to any other subjects. See *Dyer, fol. 304. & Pl. 306. a.* Co. 7. 11.

An *Irishman* born is a natural born Subject, and capable of, and inheritable to Lands in *England*, and therefore may have this Surety. Co. 7. 11.

Infidel. But it may be questioned, whether an Infidel, Pagan or Jew, shall have this Surety granted them. For in Law they are *perpetui inimici*, there is between Christians and them perpetual enmity, and can be no peace: neither can they get any thing within this Realm, nor maintain any Action at all; *12 H. 8. 4.* Co. 7. 17.

Villain. A Villain or Bondman may have this Surety of the peace against his Lord, and the Lord may have it against his Villain, and yet it maketh no manumission, although it were demanded by the Lord without any Protestation, &c.

C H A P. CXVIII. V. 69.

How this Surety of the Peace may be commanded, and how the same Commandment shall be executed.

§. 1. Paroll.

THE Justice of peace may command this *Surety of the Peace* either by word only, or by writing.

1. By word only, the party being in his presence; as if in the presence and hearing of the Justice of peace one man doth threaten another, or shall.