

Office duly) then to give the election to the Delinquent himself, who by presumption will seek shifts, and weary the Officer; this hath been so adjudged.

Lam. 98. If the other Justice of Peace (before whom the party so attached shall come) shall refuse to accept and take such Surety, being offered to him, this is punishable: for such Justice of Peace ought to take of him such Surety, and to bind him by Recognisance: but yet that must be done in such sort, in all points, as the form of the former precept doth require: and thereupon the same other Justice of Peace (having so taken Surety for the peace) may and ought, upon request, to make his *Supersedeas* to all Officers, and to all other the Justices of Peace of the same County, and thereby the said party shall be discharged from finding other Surety, and from any other arrest for the same cause: But by such *Supersedeas* the other Justice cannot discharge the first Warrant of the first Justice, until the party be bound indeed; nor can give any other day to the party to appear at any other Sessions, &c.

Refusing.

Comp. 145.

S. 7. Superseded by a Justice of Peace.

Also a Justice of Peace of the County, by a *Supersedeas*, cannot discharge a Warrant awarded by his fellow Justice, by force of a *Supplicavit* to him directed out of the *Chancery* or *King's Bench*, to take the Surety of the peace of one resident in that County.

Also when a man doth fear the Surety of the peace will be demanded against him in the Country, or doth hear that such a Warrant for the peace is already granted out against him by a Justice of Peace; it seemeth in either of these cases, he may go and give Surety of the peace before any other Justice of the Peace of the same County where he dwelleth, and thereupon may have a *Supersedeas* from the Justice of Peace, &c. But in such case it is fit that such party be urged by such Justice to put in sufficient Sureties, and that he be bound towards the King and all his people, and to appear at the next Sessions.

If any Officer, having a Warrant from a Justice of Peace to arrest a man to find Surety of the peace, shall receive a *Supersedeas* (out of the *Chancery* or *King's Bench*, or from any Justice of the *King's Bench*, or from any Justice of Peace of that County, to discharge the same Surety of Peace, and yet nevertheless will urge the party (by force of his Warrant) to find (new) Surety for the peace, the party may refuse to give it; and if he be arrested or imprisoned for such refusal, he may have his Action of False Imprisonment against such Officer; for such *Supersedeas* is a discharge of the former Precept or Warrant.

Lam. 101.

The form of a *Supersedeas* granted by a Justice of Peace. See *postea*, tit. *Warrants*.

And this *Supersedeas* is sufficient, though it neither name the Sureties, nor contain the sums wherein they are bound; but yet it is the better form to express them both. See 2 *H.* 7. 1.

Lam. 59.

If the party shall mislike to be (or stand) bound to the peace, by the Justices of Peace in the Country, then may he (either before or after that he is bound in the Country) go or send up to *London*, and there give Surety for the peace (either in the *King's Bench*, or in the *Chancery*;) and thereupon the party may have a *Supersedeas* (out of the Court where he hath given such Surety) to restrain the Justices of Peace of the Country from taking any Surety of the peace of him: and then the Justices of peace of the Country after the receipt of such *Supersedeas* must forbear to make any Warrant for the peace against the party. And if any Justice of Peace have granted out any such Warrant against the said party, the said Justice must make his *Supersedeas* to the Officers, thereby commanding them to surcease,

N.B. 81. & 238.

S. 8. Superseded from above.