

surceale to put his former Warrant in execution, and so to discharge it, and to discharge the party of an Arrest or Imprisonment thereupon. See more *postea, sub hoc titulo.*

The form of a *Superfedeas* for the peace or good-behaviour out of the *King's Bench*. See *lib. intr.* 454. *Quia invenit suffic' securit' pacis nostræ quod ipse se bene geret erga nos & cunctum populum, &c.*

The form of a *Superfedeas* for the peace out of the *Chancery*. See *Fitz. 8 l.c. & Register 89.*

Note, that this *Superfedeas* out of the *Chancery* may be procured at any time in the Vacation and out of Term, *F.N.B.* 236.a.

These Writs of Superfedeas from the Chancery or King's Bench are commands to the Justice of Peace to stay him from binding the said party to the Peace, which otherwise he might not deny.

If the Justices of Peace shall not surcease after a *Superfedeas* (out of the *Chancery* or *King's Bench*) to them delivered, an Attachment will lie against him or them for such contempt, and, besides, they may be fined and imprisoned for it. Lam. 103

Yea, such a *Superfedeas*, coming out of those High Courts to the Justices of Peace, they ought thereupon to surcease, although such a *Superfedeas* should be awarded against Law.

If such a *Superfedeas* shall be directed to the Justices of Peace and Sheriff; that Justice to whose hands it shall be delivered may keep it, and may deliver the label to the party.

And in these and the like cases, the Justice of Peace shall do well to send to the next general Sessions of the Peace; as well the said *Superfedeas* (if it come to his hands) as also the Recognizance which he had formerly taken of the party (if he have taken any) for peradventure the Recognizance was forfeited before the *Superfedeas* was purchased; or if it were not forfeited, yet the Conusor is not indamaged thereby.

If the party shall procure such *Superfedeas* (out of the *Chancery* or *King's Bench*) after that he is bound (by Recognizance) before the Justice of the Peace to keep the peace, &c. and to appear at the next Sessions, *quære*, whether the party sending (by his Servant) such *Superfedeas* to the Justice of Peace at the next Sessions, be thereby discharged of his appearance there, the Recognizance also being certified thither by the Justice. Lam. 103
116.
Crompt.
140.

It seemeth to some, this difference is to be holden therein, *sc.* if the party were bound (before the Justice of Peace) to keep the peace against all men, &c. and shall after procure such a *Superfedeas*, testifying that he hath found Surety in the *Chancery*, &c. against all men for ever, and shall send this to the Sessions, this shall discharge his appearance at the Sessions; otherwise if the *Superfedeas* shall testify that he hath found Surety: but till a certain day (which is after the next Sessions.) But yet it seemeth safest in both cases for the party to appear to save his Recognizance. See to like purpose the case in 28 *H. 8. Dyer f. 25.* where a man being arrested by the Sheriff upon a *Capias*, found Sureties for his appearance at the day, and there came a *Superfedeas* to the Sheriff, and it was moved, whether it were necessary for the Defendant to appear, or not, to save his Bond; or that his Appearance or Surety were discharged by the *Superfedeas*: And the opinion of the Court was, That he ought to appear for the saving of his Bond. Also the Precedents of Entries are, that the party bound did shew his *Superfedeas* in Court, and prayed allowance thereof, and was thereupon discharged. 28 H. 8.
Dyer 25.
Crompt.
140.
Lib. Intr.
453.

But for that divers contentious persons (deservedly fearing to be bound to the Peace or Good behaviour by the Justices of Peace in the Country) 21 Jac. 1.
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