

The most usual manner and safest way for the Justice of Peace, is, to take two Sureties at the least (and those Subsidie men) besides the party himself, and to bind them by Recognizance to the King, *viz. Domino Regi*: And it must always be for the keeping of the peace.

And yet by the opinion of Mr. Marrow (who was in the time of King H. 7.) a Justice of Peace might have taken this Surety by a gage pawned only to him.

Also (by his opinion) a Justice of Peace might have taken this Surety by an obligation made to himself, by the name of Justice of Peace.

Yet if a Justice of Peace had enjoyned a man upon pain of 20 l. to keep the peace, this had been nothing worth: but in this case and the former two cases, and the like, this one general ground or reason may be given for all, *sc.* that a man cannot be bound to the King, but only by matter of Record, and therefore such Surety taken by gage or obligation, or such injoyning of the peace, seemeth nothing worth to bind the party.

§. 3.
The form. Besides, by the Statute 33 H. 8. c. 39. there is a plain Law made (in these and the like cases) which willeth, that all Obligations, &c. which shall be taken in any wise for the King, shall be made in the King's name, and by these words *Domino Regi*: And if any person shall make or take any Obligation (or Recognizance to the King's use in any other manner) he is punishable by imprisonment at the King's pleasure, &c.

§. 4.
Time. A Justice of Peace may take a Recognizance, and thereby may bind the party to keep the peace for one year, or for a longer time (by his discretion) yea, he may bind the party during his life upon reasonable cause: and this the Justice may do either by his own absolute authority or upon complaint to him made, and upon good cause shewed; as, if the Offender be a common Barretter, a Rioter, or else in the Justice's Conscience a dangerous person: but if such Surety be so taken during the Offender's life, the Justice of Peace can never release that afterwards, and therefore the Justice must be well advised how he granteth such Surety.

If the Recognizance be made to keep the peace (generally) without any time or day limited, it shall be construed to be during the partie's life, *Lambert 113.*

§. 5.
Recognizance. A Justice of Peace, intending to take a Recognizance for the peace, and yet maketh no mention there (nor in the condition thereof) that it is for the preservation of the peace, it seemeth to be void, as being taken *coram non Judice*: for a Justice of Peace hath no authority to take a Recognizance generally, but for matters concerning his Office specially.

If the Recognizance be, that the party bound shall not beat nor maim *A.* yet it is not good, because it ought to be for the Keeping of the peace (generally) and the peace may be broken by burning the House of *A.* or the like.

If the Recognizance do not limit any time of Appearance for the Co-nuzor, but be generally to keep the peace; yet it is good, for the time of appearance is referred to the discretion of the Justice, and the chief scope is, the keeping of the peace. *Marrow.*

Also (by his opinion) if the Recognizance do limit a time of Appearance, but herein is no person named, before whom the party so bound shall appear, then may he appear (in any place out of the Sessions where he will) before that Justice of Peace which took the Recognizance. *Ibidem.*

But in the two last Cases, if a Recognizance should be taken in such manner at this day, I should think it safe for the party to appear at the next Sessions for the peace, and there to record his appearance. See more *postea, sub hoc titulo.*

If