

Or to take away another Mans Goods wrongfully, so it be not from his person.

Or to steal or take another Mans Horfe, or other Goods feloniously, being not from his person. Marr. l. 8. 7.

All these, and the like, be breaches of the Peace, and yet these will make no breach of the Recognizance, nor breach of the Peace within the meaning of the Commission of the Peace. 7 H. 7. 8.

Note that if a Man be bound in such a Recognizance for himself and his servants, if any one of them break the Peace, the whole Recognizance is forfeited. *Et sic. in. similibus.*

Note also, that the Sureties may plead that the Party Principal hath not broken the Peace, although upon issue the same shall be found against the said Principal; for they are strangers thereto. *Fitz. Averment 46.*

*Now concerning the Writ of Supplicavit.*      C H A P. CXXII.

*Vide 73.*

§. 1.  
Supplicavit.

§. 2.  
To whom directed.

§. 3.  
Execution of it.

§. 4.  
Supersedeas.

**T**HE Forms of this Writ, out of the Chancery, are of divers sorts, as you may see, *Fitz. N. B. 80. d. & Register. 89.*

By which Forms of the Writ it appeareth, that it may be directed to the Justices of Peace, or to one of them; or to the Sheriff, or to every of them; to cause the Party that is to be bound, to come before him or them, to find Surety for the Peace. And this Writ may be, that the Principal shall be bound in such a Sum, and the Sureties in such a Sum certain, (and that may be in what certain Sums the Demandant will) or the Sums may by the Writ be referred to the Justice of Peace, &c. with the clause therein contained, *Pro qua respondere volueris.* And the said Writ is farther, That if the Party shall refuse, &c. that they shall commit him to the Gaol, *Quousque, &c.* and that when they have taken such Surety, they do certifie the Recognizance (which they have so taken) under their Seals, and return the Writ into the Court from whence the same was awarded, and that without delay.

And for that this Writ is of divers Forms, the Justice of Peace must have a care that he do execute the same in every behalf, as the same Writ shall direct and appoint him.

When the Writ doth refer the Sum (wherein the Principal and his Sureties shall be bound) to the Justices, &c. then it resteth in their discretion; but yet it is then safe for them to take good Sureties, and to bind them in good Sums, and the rather, when the clause is in the Writ, *Pro qua respondere volueris.*

When this Writ is directed to the Sheriff, and to all the Justices of Peace of that County, and is delivered to any one of them, he only to whom it is first delivered, ought to execute the same Writ (in every behalf,) *sc.* He only shall make a Warrant, &c. returnable before himself, and he only shall take Sureties, and make return thereof (only) without any other. 21 H. 7. 22 Br. Peace

The Form of a Warrant for the Peace upon a *Supplicavit.* See *Postea, tit. Warrants.*

Also the same Justice of Peace after such Surety taken, may make the Party a *Supersedeas* to discharge him from any other Arrest; or to deliver him being in Prison for the Peace, (at any other Mans Suit, as it seemeth.) *Crompt. 237. b.*

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