

The Form of such *Superfedeas*. See after *tit. Precedent*.
 The party who is attached upon this Writ of *Supplicavit*, cannot go to be bound before any other Justice of Peace, but only before him from whom the Warrant proceeds upon this Writ; neither can another Justice of Peace (by a *Superfedeas*) discharge such a Warrant made by his fellow Justice, by force of this Writ.

21 H. 7. Br. Peacc. 9.

9 E. 4. 32. F. Faux. Imp. 4.

Rolls Rep. part 2. p. 348.

The Justice or Sheriff, to whom this Writ shall be delivered, may make a Deputy herein, *sc.* May make his Warrant to the Bailiff, Constable, or other person indifferent, to apprehend the Body, or to cause the party to come before him (the said Justice or Sheriff) to find Sureties, &c. And that if he shall refuse, that then the Constable, &c. shall carry him to prison, there to remain, until he shall find Sureties; and yet the Writ of *Supplicavit* is to commit the party to the Gaol, if he shall refuse before the Justices (*Si coram vobis, vel te recusaverit, &c.*) But the Justice or Sheriff cannot give their power to another to take this Surety; for that is a Judicial power which cannot be assigned over; Neither can they make any Deputy therein, but they must take this Surety themselves; and the Bailiff or Constable who apprehended the Body, cannot take this Surety. *Br. Office 39. & Faux Imp. 34.*

§. 5. Deputatis on.

"A *Supplicavit* is directed to the Sheriff, and four Justices of peace, that they or any two of them, shall take a Recognizance of the Writ as executed by two Justices which take the Recognizance, and the Sheriff returns it as taken by them, and good. *Leonards Case, The first of Rolls Rep. Part 2. p. 348.*

If the party shall make resistance upon the execution of this Writ, the Officer may take *Posse Comitatus*, *sc.* the help of his Neighbors to aid him to arrest such party. See *Postea, tit. Posse Comitatus*, or else the said Justice may make his Warrant to the Sheriff, to apprehend the party, and upon resistance, the Sheriff may take *Posse Comitatus* to arrest the party.

F.N.B. 80. d.

He that is to be bound to the peace, by force of this Writ of *Supplicavit*, out of the Chancery, is to be bound against him only that sued out the Writ, as appeareth by the Form of the Writ aforesaid.

But yet at this day it is used otherwise, and I once received out of the Chancery a special Writ of *Supplicavit*, directed *Custodibus pacis, de vic. & eorum cuilibet*, commanding us to take Sureties for the party to be bound, *Quod ipse damnum vel malum aliquod alicui de populo nostro, & imprimis eidem fab. &c.* (that sued out the Writ) *non fac. nec fieri procurabit.*

§. 6. Recognizance.

F.N.B. 80. d.

Also by this Writ of *Supplicavit*, the party (against whom the Writ is sued forth) shall be bound to the peace for ever (if he be taken;) for the Writ containeth or mentioneth, not that he shall be bound to keep the peace until any certain time, but generally (*ad sufficientem securitatem inveniendam sub pena, &c.*) And therefore to prevent this, the party (before he be attached) may come into the Chancery, and there find Sureties, and be bound until a certain day, that he shall do no hurt, &c. unto the party that sued forth the *Supplicavit*; and thereupon he shall have a *Superfedeas* out of the Chancery, directed to the Justices of peace, and to the Sheriff, or to one of them, commanding them to surcease to arrest the said party, or to compel him to find any Sureties, &c. And that if they have arrested or imprisoned him for this cause, and none other, that then they deliver him, &c. *Fitz. 18. a.* The Form of the *Superfedeas*, see *Register 89.*

§. 7. Tim.

F.N.B. 812. Comp. 142.

And if the party against whom this Writ is sued forth, cannot travel (or else will not travel) to bind himself in the Chancery, then he may cause some of his Friends to be bound, or to find Sureties in the Chancery for him, according to the *Supplicavit*; and thereupon they may purchase a *Super-*

§. 8. Avoidant.