

Superfedeas out for him, directed to the Justices of peace, and to the Sheriff, and by this *Superfedeas*, the Justices and the Sheriff shall be commanded to take also Surety of the party himself, in the Country (according to the Writ of *Supplicavit*) that he shall keep the peace, &c.

§. 9.
Superfedeas.

Also, if the party happen to be arrested and imprisoned upon this Writ, yet if he can procure a *Superfedeas* out of the *Chancery*, it seemeth, by the words in the end of the *Superfedeas*, that this will discharge him of the Arrest or Imprisonment.

Now after the party is arrested and imprisoned (upon this Writ) the means for him to procure a *Superfedeas* out of the *Chancery*, must be:

1. Either to get some of his Friends to be bound in the *Chancery* for him, and they to get a *Superfedeas* *ut supra*.

2. Or else to get a Certificate to the Lord Chancellor, from three or four Justices of peace in this behalf, Signifying, That the party Plaintiff never demanded the peace in the Country; and farther, That the Plaintiff is a contentious Man, and the other party of good Fame: And upon such Certificate (*dictum*) they will either discharge the party, or else grant him a *Superfedeas*.

§. 10.
ibid.

This Writ of *Supplicavit* is granted (or may be granted) in the *Chancery*, or *Kings Bench*, upon great cause shewed and proved there, and is (or ought to be) granted upon Oath, that the party is in fear, &c. of some bodily hurt, &c.

F.N.B.
79. h.
Lamb. 44

But this Writ of *Supplicavit* hath heretofore oftentimes been procured and gotten out rather of malice, and for vexation, than upon any needful or just cause. And *Sir Edward Coke* speaking of such as maliciously shall purchase out any special *Supplicavit*, or *Latitat*, of the peace, (and that by fraud and malice, to enforce the other party, *Ad redimend. vexationem*, to give them Money; to yield them other composition) brandeth them as Barretors, and notable oppressors of their Neighbors; oppressing thereby the poor and innocent by colour and countenance of Law, which was ordained to protect the innocent from all oppression and wrong. Neither was this a wrong only to the party thus maliciously vexed, but also to all the Justices of peace in that County, taxing them (*tacite*) as though the Demandant could not have justice at their hands in such case, whereas perhaps the Demandant never so much as desired the same at any of their hands. And besides, the said Justices of peace (having in all likelihood, knowledge of each party, and their behaviors) or any one of the Justices of peace, might and would, no doubt; yea, and ought to have yielded the Demandant, upon request and just cause shewed to them, as sufficient and good security in the Country, every way (as I conceive it) for his safety; as namely, as many and able Sureties, and better known, and to have been bound in as great Sums, and for as long time, if the cause should so require. So as what should move them to seek (with more trouble, charge and delay to themselves) that security above, which they may have (more speedily, and with less charge and trouble) at home, I see not, but only or chiefly the vexing and oppression of their Neighbors, as aforesaid. And for that, this manner of oppression grew so common; therefore by the Statute made 21 Jac. c. 8. It is now Enacted, That all Procces of the peace, or Good Behavior, to be granted out of the *Chancery* or *Kings Bench*, against any person whatsoever at the suit of any other, shall be void, unless such procces shall be granted upon motion first made before the Judge or Judges of the same Court, sitting in open Court, and upon declaration in writing upon oath then exhibited, for the causes for which such procces shall be granted; and unless that such motion and declaration be mentioned to be made

Co. 8. 35

See more
before in
this title.

21 Jac. 8.