

Also two Justices of Peace may bind by Recognizance the Defendant in a Suit of Tithes, to obey the sentence of the Judge. See *antea tit. Tithes*.

Whether the Justices of peace may bind an Offender against a penal Statute, to appear and answer his fault at the Sessions; see hereof *postea, tit. Warrants cap. 128*.

Note, That every Obligation and Recognizance taken by Justices of peace must be made to the King, and shall be made by these words, *To whom* *Domino Regi*, upon pain of Imprisonment of any person that shall take it otherwise: And all such Bonds or Recognizances shall be in the nature of a Statute-Staple to all intents. See hereof *postea, tit. Recognizance*.

A Justice of peace can take no Recognizance, but only for such matters as concern his Office. See hereof, *tit. Surety for the Peace, antea*.

Note also, That a Recognizance taken by a Justice of Peace is a matter of Record presently, so soon as it is taken and acknowledged, although it be not made up, but only entred into his Books; nay, although it be not entred, as it seemeth. See *Stamf. 77. a & Br. Record 58*. such a matter.

If a Justice of peace shall take a Recognizance where he hath no Authority, it seemeth void.

And these Recognizances taken by the Justices of peace are to be certified by them at their next Quarter Sessions: except Recognizances taken of such as shall inform against Felons, and upon Bailment of Felons, which by Statute they are appointed to certify at their next General Gaol-delivery. See *antea, tit. Felony*.

For the forms of Recognizances see hereafter, *tit. Recognizances, cap. 134*.

Warrants. CHAP. CLXIX. V. 117.

Now concerning the Precepts or Warrants to be made by the Justices of peace:

§. 1.
By Parol.

The Justice of Peace, (seeing that he is a Judge of Record) his Precept or Commandment by word of mouth (in some cases) is as strong as his Precept in writing.

And therefore the Justice of Peace, upon any Riot done in his presence, may command the Rioters to be arrested, and cause them to find Sureties for their Good Behaviour.

So upon an Affray, Assault, Threatning or other breach of the Peace done in his presence, the Justice of Peace may command by word the Officer being present, or his own servant, to arrest such Offenders to find Sureties for the Peace. See before *tit. Surety for the Peace*.

And where the Justice of Peace commandeth one being present to arrest another that is also in his presence, though that commandment be by word only, it is good, and it is reputed as an Arrest made by the Justice himself, he being present when the Arrest is made. *R. Faux Impris. 33*. See *hic antea*.

One in a False Imprisonment justified that the Plaintiff being in presence of a Justice of Peace, the Justice not having opportunity to examine him, commanded the Defendant to take him into custody, and keep him safely until next day, the which he being Constable did do;