

The form of a Superfedeas (by a Justice of Peace) upon a Writ of Supplicavit against an Infant.

casib.

SAMUEL COLLINS, Sacre Theologie Doctor, unus Justic. Dom. Reg. nunc ad Pascham in Com. præd. conservand' assignat', Vicecom. ejusdem Com', ac omnibus & singulis Ballivis, Constabular', ceterisque dicti Dom. Regis Ministris tam infra Libertates quam extra, in Com. præd', salutem. Sciatis quod Breve dicti Dom. Reg. recepi in hac verba; CAROLUS, &c. (reciting here all the Writ verbatim) Et quia J. B. de, &c. J. S. de, &c. & præfat. C. A. coram me præf. Samuel Collins personaliter comparuer', & prædict. J. B. & J. S. manuceper. pro dicto C. A. qui infra etatem 21 ann. existit, viz. quilibet Manuceptor præd' in 20 li. quas recognover. se debere dicti Dom' Regi, ac concess. de terris & tenementis, bonis & catallis suis; ad opus dicti Dom. Reg. levand', viz. quod præd' C. A. dampnum vel malum aliquod alicui de populo dicti Dom. Reg. de corpore suo, vel de incendio domorum suarum non faciet, nec fieri procurabit quovis modo: Ideo ex parte dicti Dom. Reg. vobis & culibet vestrum mando, quod de coartand' aut attachiand' dictum C. A. ad inveniend. Securitatem Pacis per ipsum gerend' erga dictum Dom. Reg. & cunctum popul. suum, seu aliquem de eodem populo suo, coram vobis, seu aliquo vestr', inveniend', supersed', seu supersed. fac. omnino. Et si ipsum C. A. occasione præd' & non alia ceperitis, seu capi mandaver', & in prisona ipsius Dom. Regis sub custodia vestra detinueritis, tunc ipsam a prisona in qua detinetur sine dilatione deliber. fac' seu unus vestr' deliberari fac'. Teste me præfat' Sam. Collins, 22 die Nov. anna Regni dicti Dom' Reg', &c.

Nota Infant.

Alias.

casib.

HENRICUS SMITH, Sacre Theologie Doctor, &c. unus Justic. Domini Reg. &c. Vic. Com. præd', necnon omnibus Constabulariis, Ball' & aliis Ministris dicti Dom. Regis, & eorum culibet, salutem. Sciatis, quod Mandat. (aut Breve) Dom. Regis in hac verba recepi; CAROLUS Dei gratia, &c. (reciting all the Writ) Et quia J. B. de, &c. & J. S. de, &c. & præd' T. C. coram me præf. H. S. personaliter comp', & præd' J. B. & J. S. pro præd' T. C. manuceper', quilibet Manuceptor præd' sub pena 20 l. & præd' T. C. pro seipso assumpsit sub pena 40 l. de terris & catallis suis; ad opus dicti Dom. Reg' levand' quod, &c. Ideo, &c. quod præd. T. C. dampnum vel malum, &c. ut supra.

A Superfedeas for the Good Behaviour.

NOTE, that upon good Sureties taken, (for the Good Behaviour) a Superfedeas of the Good Behaviour may be granted as for the Peace, mutatis mutandis. Crom. 237

Note also, that a Superfedeas de Capias indictatum de Transgression', and so of an Exigent, may be granted by the Justice of peace out of Sessions: For otherwise it were mischievous for the party, as well by reason of his Imprisonment, as also for that he may be Out-lawed before the Sessions; if the Justice of peace might not take Sureties of him for his appearance; and all is but to appear to answer to the Indictment.

And Mr. Crompton is of opinion, that these may be granted by any one Justice of peace; with whom agreeth the Book of Entries. But Mr. Lambert thinketh it not in the lawful power of any one Justice of Peace to grant such Superfedeas at this day, but that it must be done by two Justices at

Crom. 234
Hic 275.
Lib. Intr.
601.
Lam. 308.