

If the Recognisance be to appear before the Justice of peace within forty days next after the date or taking of the Recognisance, and before the end of the forty days, a General Sessions of the peace shall be holden, &c. The party now ought to appear at the same Sessions, *Crompt. 123.* See the like matter, *Br. Condition 280.*

Also if these words be in the Recognisance, *sc.* That he shall appear before the same Justice, & *sociis suis*; then must he appear at the next Sessions.

If the Recognisance be to appear at any other Sessions after (and not at the next Sessions) yet the Recognisance is good; and yet by the Statute of 3 *H. 7. c. 1.* It is now Enacted, That every Recognisance taken for the peace, by the Justice of peace and *Ex Officio*, shall be certified (*sc.* sent or brought in) at the next Sessions of the peace, and there delivered to the *Custos Rotulorum*, that the party so bound may be there called; whereby it may seem that every Recognisance taken for the peace now ought to be, to appear at the next Sessions.

If the Recognisance be in twenty pounds to be levied of his Lands only, or of his Goods only, yet it is good; and this word [only] may seem void; For the acknowledgment of the Recognisance (before a competent Judge) both maketh it a debt, and implieth the ordinary means of Law to come unto it: See hereof *Postea tit. Recog.*

If the Recognisance be to keep the peace towards the King, and all His People, but not towards any person cetero, it seemeth good.

So if the Recognisance be to keep the peace towards *A.* only, it seemeth good, or to keep the peace towards *A.* and his servants, without being bound towards the King and all His Subjects, it seemeth good.

But the best form is to bind the party to keep the peace towards the King and all his People; for first the words of the Commission are to find Surety, *Erga nos & Populum nostrum*: And again, the common usage is so, And besides, it may otherwise prove dangerous to the party, who hath cause to crave this Surety of the peace; for the other party who shall give me just cause to crave this Surety against him (because he will not be bound to the peace towards me) he will perhaps pray to bind himself to the peace to *A.* who is his companion, and then if the Justice of peace shall so bind him, then may he and *A.* go before another Justice of peace (and that peradventure within one week) and there *A.* may release him of the peace, and so (I trusting that he is still bound) may be after beaten, maimed or slain by him, or his procurement.

So then, though the Recognisance being taken in any manner or sort afore said, may prove sufficient to bind the party to the King; yet peradventure it will not excuse the Justice of peace from blame, and therefore it is safest for the Justice of peace to follow the received Form.

The Form of the Recognisance for the peace. See *postea tit. Recognisance, c. 123.*

The Recognisance for the peace, being thus taken, if it were by vertue of the Writ of *Supplicavit*, the Justice ought to return the Writ, and to certifye (under his Seal) his doing therein into the Court from whence the *Supplicavit* proceeded; and he may also send such Recognisance (so taken by him) with his Certificate, or else he may keep the Recognisance in his hands still, until he shall receive a *Cerciorari* out of the *Chancery*, directed to him for removing of this Recognisance. See more *sub hoc tit. Postea.*

But if this Recognisance for the peace were taken by the Justice of peace *Ex Officio*, then the Justice of peace ought to certifye (send or bring the Recognisance to the next Sessions of the peace, so that the party bound may

s. 6.
Recognisance to be forfeited.

Crompt.
141.
P. Just.
106.

Lamb. 107

F. N. B.
10. B.
Crompt.
141.

3 H. 7. 7.
P. Just.
106.