

Superfedeas of it self to the Justices of peace to stay their Proceedings, See *antea tit. Forcible Entry*.

And yet by others the Justices may proceed upon the Indictment, *Vide Crom. 132, 133. & 166. Dyer 245.*

And albeit the *Certiorari* be a *Superfedeas* of it self, yet may the party upon the *Certiorari* purchased have a *Superfedeas* also directed to the Sheriff, commanding him that he arrest him not upon that Record before the Justices of peace, *Fitz. f. 237.* In which place also he doubteth whether the Justices of peace themselves ought not of duty to award their own *Superfedeas* to the same effect, after that the Writ of *Certiorari* is brought to their hands. Lamb. 497
F.N.B.
237.c.

If a *Certiorari* come to the Justices of peace to remove an Indictment, and in truth the Indictment was not taken till after the date of that *Certiorari*; yet if the Indictment be removed thereby it is good enough, for that they be both the Kings Courts, (1 R. 3.4) and in such a case it is now usual to remove it, *Vide Fitz. 71. d.* Lamb. 438

But all Writs of *Certiorari* being to remove any Indictment of Forcible Entry, or Riot, or of Assault and Battery, found before the Justices of peace, shall now be delivered at some Quarter Sessions of the peace in open Court, &c. 21 *Fac. c. 8.* See *hic antea tit. Forcible Entry.* And the persons so prosecuting the same shall (before the Allowance thereof) become bound unto the Prosecutor in 10 *l.* Bond with Sureties, as the Justices shall think fit, with Condition to pay the Prosecutor (within one month after Conviction) such reasonable Costs and Damages, as the Justices of the peace of the County (where the Bill shall be found) shall assess and allow; and in default thereof the Justices may proceed.

All the higher Courts at *Westminster* may write to the Justices of peace, to certify their Records that do make for the trial of Causes depending in them, as you may read 19 *H. 6. 19.* where they of the Common Pleas did send to the Justices of peace for an Indictment, because in a Writ of Conspiracy (brought or depending before them) it was material to have it. Lamb. 501

In some cases the Justice of peace may certify a Record (by him made or found before him out of Sessions) without any Writ of *Certiorari* therefore to him directed, *Vide antea tit. Forcible Entry.*

In other cases he must of duty certify his Proceedings, but may spare to certify the Record, until a *Certiorari* come to him for it. See hereof *antea tit. Surety for the Peace.*

For the manner of the Writ of *Certiorari* to remove Records from one Court to another, or from the Justices of peace, or other Officers of Record, to any the higher Courts at *Westminster*, &c. there are divers forms and sorts thereof, as you may see in *F. N. B. 242. &c.*

I will only set you down here one Form for all, and so conclude.

The Form of *Certiorari* out of the Chancery to certify a Recognizance taken by a Justice of Peace in the County for the keeping of the Peace, &c.

CAROLUS, *Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex,* F.N.B. 18.
c. Cromp.
148.
Fidei Defensor, &c. Custodibus Pacis nostri in Com' Cantab. & eorum cuilibet salut'. Volentes certis de causis Certiorari super tenor' cujusdam Securitatis Pacis, (vel Boni gestus) quam A. P. Armiger nuper invenit coram vobis, vel aliquo vestrum, de eo quod ipse dampnum vel malum aliquod R. S.

ant