

person: for simple Impotent persons procew hwt or
 Mischief to others, Followes page 18. b. 19. a. Hawkins
 ibid. § 24. 5. May be punished of peace May grant the peace
 even against his own wife. ^{A wife may}
 demand the peace against her husband threatening to beat
 her out reasonably. But poor in England
 an only be bound to the peace by a Subpoena out of the Ju-
 dery or Kings Bench. ^{It is a}
 And when the peace is granted at the suit of another, the Justice must make that
 others oath, that he is actually, and has just cause to be
 under fear, that the person from whom he demands
 the peace will do him bodily harm or procure others
 to do him such Mischief, or will burn his house, or unlaw-
 fully Imprison him Hawkins ibid. § 68. 7.

Truly for the good Behaviour may be required of all
 who are of civil fame 34 Edw. 3 cap. 1 as before, Where Men
 good night workers, Drummers, Common Gamesters, or
 whom there is just cause to suspect to be Dangerous,
 quarrellous or scandalous, Hawkins pl. 6. b. 16. a.
 61. 5. by Justice of peace with a Discretionary power
 to bind to the good Behaviour such as are quiet or will
 to be quiet of any Mischief, or by two or three Justices of
 Peace in open Sessions, or by two or three Justices of
 Salton. And the Justice of peace who
 grounds to any person to demand the Justice of
 peace against him, he may be punished by any other
 Justice to find such security, the Justice of peace Re-
 quiring an immediate remedy in all such cases: And
 if one Justice of peace at the Session of the peace shall
 use such Expressions towards another, for which if
 he was a private person, he might be committed
 or bound to his good Behaviour; the Justice have
 no Authority to commit him, or bind him, to his
 good Behaviour.

A Bond for the peace is not forfeited by bare
 words of heat or Choler, as by calling a Man knave,
 robber of his, Drummer Rascal Hawkins pl. 6. b.
 lib. 1 Chap. 60 § 22. For the such words may proceed

a Cholerick Man to break the peace; Yet they do not
 really challenge him to it, Nor doth it appear that the
 speaker designed to carry his Reputant any further.
 But a Bond for the peace may be forfeited by any actual
 Violence to the person of another, whether it be done by
 the party himself, or by others thro his procurement,
 as Man slaying Robbery Unlawful Imprisonment, affil-
 ling beating wounding &c. and even by Words if they
 tend to a breach of the peace; as by Challenging the Party
 to fight, or in his presence threatening to beat him. But
 threatening Mischief to another is not a breach of the
 peace Followes page 22. a. Hawkins ibid. § 20. 21.

There are some actual Assaults upon the person of ano-
 ther which do not amount to a forfeiture of such Recognizance
 as if an officer having a warrant to arrest one being resist-
 ed, wound or beat him in the attempt to take him; or if a
 Man force a sword from one who offered to hit another
 with; or beat or wound another in self defence, for a
 Moderate and justifiable title. A Bond to keep the peace
 is not forfeited by Moderate and justifiable
 Under age by his parents; or of a servant or apprentice by his
 Master at the time; or scholar by his schoolmaster; or of
 an Unlawful person by his jailor; or of an Unlawful wife
 by her husband; or by one confining a friend who
 is mad, and binding or beating him in such a Manner
 as is proper in such Circumstances, Hawkins ibid.
 § 23. Nor such as have a Natural or Civil power
 over others, are allowed to Chastise them in a Reas-
 onable Manner for their offences. No Recognizance is
 forfeited by a Bastard's part on another's land or goods,
 unless it be accompanied with some Violence to the
 person, Hawkins ibid. § 25.

A Bond for the good Behaviour is forfeited not
 only by such actual Breach of the peace; for which
 a Recognizance for the peace may be forfeited, as
 but also by some other way, which is Recognizance for
 peace is not forfeited; as by going armed with great
 Number to the terror of the people, or speaking
 words