

70 *The Escheat of the offenders movable to the King is often the punishment of crimes not capital.
 *And sometimes the Escheat of the land falls to the King acts 194 & 197 par. 14 G. 6.
 *The commonly Escheat belongs to the Respects Superior.

The means of the King to keep the peace is by the means of the King and all his mayors
 But commonly land which is the subject of the King is not subject to the King's power
 Escheat belongs to the King and all his mayors

*1. The Means used for preventing Breaches of the peace, are 1^o Surety for keeping the peace and Surety for the good Behaviour. 2^o Caution of Lawburrows.
 off Surety of the peace, and Surety for the good Behaviour.

- * Any Justice of peace may either ex officio of his own proper motion, or at the Request of another bind or require the peace, or good Behaviour, Surety for keeping the peace, or from Surety for good Behaviour or do so bond or bonds; in that the latter includes the former and something more; and it is more difficult to observe the good Behaviour, than to keep the peace.
- * A Justice of peace may ex officio bind all those to the peace who in his presence make any affray, or threaten to kill or beat any person, or contend together with hit words or that shall go about with unusual weapons or attendants to the terror of the people, and also all such persons as are known by him to common Barablers i.e. common mobs or maintainers of fights, Quarrels or parties either in courts or elsewhere, and who are themselves not or quasi qui cum Tormentis debent omnia perurbant; and also all those that are brought before him by a constable for a Breach of the peace in presence of his constables; and all such persons who, having been before him to keep the peace are convicted of having forfeited their Recognizance. pulton de pace 18. a. Hawkins pl. cr. Lib. 6. § 1.
- * Any person under the Kings protection whether natural or alien in his right wife may demand Surety of the peace. A wife may demand it against her husband her husband against his wife, and a husband may take it against his wife. May a Justice may grant the peace against his wife or against any person found in mind under the degree of nobility, whether he be of full age or under age, and whether he be a magistrates or parochial person. For simple Impeachment for a Breach procure the peace must be to others pulton de pace 18. b. 19. a. Hawkins ibid. § 2. 4. 5.
- * But peace is required can only be bound to the peace by a subpoena out of the Chancery. Kings Bench when the peace is granted at the suit of a Justice the Justice must take his oath that he is actually and has just cause to be bound for that the person from whom he demands the peace will do him bodily harm by killing or beating him, or procure others to do him such mischief, or will burn his house, or unlawfully imprison him, Hawkins ibid. § 6. & 7.
- * Surety for the good Behaviour may be required of all who are of the age of 14 years or more as 13 and whose manners are unruly, drunkard, common damage or whom the Justice just cause to suspect to be dangerous to the peace or to the King's Honor. Hawkins ibid. Chap. 6 § 4.
- * Any Justice of peace has a discretionary power to bind to the good Behaviour such as are guilty or like to be guilty of any misdemeanour. But that is mostly done in upon persons, or by two or three Justices of peace Dalton.
- * A Justice doth enjoy a Surety for the peace sometimes by word and sometimes by writing. He enjoys it by word of mouth when he requires the person to be bound is present when the person against whom the peace or good Behaviour is demanded is absent, the Justice of peace signs a warrant or precept in writ showing the cause why and at whose suit it was granted, directed to constables or to any other person, to bring him before himself or before any of his fellow Justices of peace to find Surety, and if he refuse so to do, to commit him to prison.
- * When a person against whom a precept to find Surety for the peace is awarded comes before the Justice of peace it is in the discretion of the Justice to determine the number and Just money of the Sureties, the Charges of the Surety where they are to stand, and how long they are to stand bound pulton de pace 21. a. Hawkins ibid. Ch. 6 § 15.
- * Thomas Cobbold & persons under age are to be bound to the observance of the peace or good Behaviour by Sureties only and not by their own personal Bonds, Hawkins ibid. Ch. 6 § 50.
- * A Justice may take money to be in deposit for security of the peace, to be forfeited to the King upon the breach thereof.
- * And if the Surety given for keeping the peace be found insufficient, he may require and compel to give better.
- * But cannot oblige any to give new Surety upon the death of the former.

71. 3. By a Bond or obligation made by a Justice of the peace for a Recognizance for the good Behaviour or Rescission of an offence.