

else, *Non est inventus*, may be certified for him, and the Writ executed for the rest.

§. 14.
Peace and
good Beha-
viour.

By the Book 30 *Assisarum plac.* 14. it appeareth, that a Man may be compelled to find Sureties both for the good Behaviour, and for the peace; for there one that had beaten a Woman in *West. Hall*, was bound to the peace towards the Woman, and was also bound to the good Behaviour towards the King.

And so where one shall strike another in the presence of a Justice of Peace, the Justice may bind him to the peace, and also to the good Behaviour, *Cromp.* 140.

So where one coming to the Sessions to prefer a Bill of Indictment, or about a Traverse to be tryed there, &c. if he shall be assaulted or threatened, &c. the Justices may bind the Offender to the peace, towards the party; and to the good Behaviour for such contempt to the King and the Court, *Cromp.* 141.

And yet it seemeth that the good Behaviour includeth the peace, and that he that is bound to the good Behaviour, is therein also bound to the peace, See the usual Forms of both Recognizances, & *hic postea*. Br. Surety
11.
2 H. 7. 2b.

But if the Recognizance taken for the good Behaviour, be only *quod bene se gerat*, &c. *Quere* how far these words will extend. See 2 *H. 7. 2. b.* where the Justices held, That the good Behaviour might be forfeited by the number of his people, and by the harness (or weapons) and the like, although they break not the peace. And they thought, that he which is bound to the good Behaviour, ought to carry and demean himself well in his deport, gesture and carriage, and in his company, not doing any thing which shall be cause of breach of the peace, or to put the people in fear, dread, or trouble; and so shall be intended of all things which concern the peace; But not in misdoing of other things, which touch not the peace. See *hic postea*.

Surety for the Good Behaviour. C H A P. CXXIII. V. 74.

§. 1.
Nature.

THIS Surety for the good Behaviour, or good Abearing, is granted by the Justices of Peace, as well by the Authority of the Commission of the peace by force of *Assign.* as also by force of the Statute 34 *Ed. 3. cap. 1.* P. Jac. 18.

And this Surety for the good Behaviour is of great affinity with that of the peace, and is provided and ordained chiefly for the preservation of the peace (as that other is) as you may observe out of the usual Forms of the Recognizances; yea by some Opinions it differeth little or nothing from that of the peace; but that there is more difficulty in the performance thereof; and the party so bound, may sooner fall into the danger of it, and of his Recognizance. For the peace (say they) is not broken without an affray committed, battery, assault, imprisoning, or extremity of menacing; whereas the good Abearing may be broken, and the parties Recognizance forfeited without any of these: as namely, Lamb. 211
P. R. 18.

§. 2.
Recogni-
zance how
broken.

1. By the extraordinary number of people attending upon the party bound. 2 H. 7. 2.

2. Or by his wearing of harness, or other weapons more than usually he hath done, or more then he meet for his degree.

3. Or by using words or threatening, tending or inciting to the breach of the peace. P. R. 12.

4. Or