

And in many of the former Cases the Justice of Peace ought of duty (or at least in good discretion) to command this Surety for the peace, although the same be not required by any other person : and if any such person shall refuse to give such Surety, the Justice of Peace ought to send him to prison, there to remain until he shall find such Surety.

If a Justice of Peace (upon his own discretion) shall cause one to be arrested to find Sureties for the peace, and shall after let him go without taking Surety, or binding him to the Peace, yet the party hath no remedy; for an Action will not lye against the Justice of Peace for this, he being a Judge of Record. See 9 H.6.f.60. and 9 E.4.f.3. Br. Judges, 2.10. and Br. fx. imp. 12.

A Justice of Peace may persuade a man to require the Surety of peace against another, and he himself may grant a Warrant for it because it is no more than he might have granted of his own Authority without any demand made; and it shall be presumed that he saw cause to do all this.

Also at the request or prayer of another, the Justice of Peace may command this Surety of the Peace, and may grant his Warrant for it.

But here the Justice of Peace must and ought first to take an Oath of the party that demandeth the Peace, which Oath must be to this purpose, sc. That he standeth in fear of his life, or of some bodily hurt to be done to himself, or to have his Houses burned (and that he doth not crave the peace for any private malice, or for vexation, but of very fear, and for the needful safety of his Body or Houses) for the words of the Commission herein are, *Et ad omnes illos qui alicui, vel aliquibus de populo nostro; de corporibus suis, vel de incendio domorum suarum, minas fecerint, ad sufficientem securitatem de pace, &c. inveniendam, &c.*

So he that shall be threatned to be hurt in his Body (scil. to be beaten, wounded, maimed or killed) the party so threatned may crave and have the Surety of Peace against the other, and it is to be granted properly in such cases.

Also if a man do fear that another will kill, maim, beat, assault, or hurt him in the body, he may crave the Peace against such other person.

So if a man do fear that another will burn his House.

So if a man do fear that A. will procure or cause any such hurt to be done him by another, either in his body or in his houses; for the words of the Recognizance be, *Non faciet, non fieri procurabit.*

So if a man lieth in wait to beat, kill or hurt another, it is good cause to require the Surety. *Cromp. 135.*

*Une nota les parols deut in le Commission, Minas fecerit, &c. per queux parolx, sc. que per le Commission, le peace nemy est destre grant sur ascun request, ne aut remet. Si non tantum lou home est menace, & pur ceo lou A. craved le peace versus B. pur ceo que B. usa de vaer ove un Pistol, & le Justice de P. sur ceo granted le Peace. Sir Nich. Hyde blamed le Justice, disant que il ne devoit aver lye B. a le Peace, pur ceo que il n'ad menace A.*

If a man be threatned to have his Goods burned, it seemeth by the opinion of Mr. Fitz. that he may demand Surety of the Peace for this: *Quare tamen*, because he may recover his Goods, or damages for and to the value of the same, *Co.L. 255.*

And where a man shall threaten to imprison another, it is holden, That the Peace shall not be granted; for that the party wronged may have his Action of false Imprisonment, or a Writ *De homine replegiand'*, and so shall recover damages for his Imprisonment.

Yet enquire hercof, for to threaten Imprisonment is within the words *minas de corporibus*; and like harm may happen to a man by hard imprisonment,

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Lamb. 85.